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ROYAL COMMISSION OF INQUIRY INTO CERTAIN
DEATHS AT THE HOSPITAL FOR SICK CHILDREN AND
RELATED MATTERS.

Hearing held
8th floor
180 Dundas Street West
Toronto, Ontario

The Honourable Mr. Justice S.G.M. Grange

Commissioner

P.S.A. Lamek, Q.C.

Counsel

E.A. Cronk

Associate Counsel

Thomas Millar

Administrator

Transcript of evidence
for

22 March 1984

VOLUME 121

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ROYAL COMMISSION OF INQUIRY INTO CERTAIN
DEATHS AT THE HOSPITAL FOR SICK CHILDREN
AND RELATED MATTERS.

Hearing held on the 8th Floor,
180 Dundas Street West, Toronto,
Ontario, on Thursday, the 22nd
day of March, 1984.

- - - -

THE HONOURABLE MR. JUSTICE S.G.M. GRANGE - Commissioner
THOMAS MILLAR - Administrator
MURRAY R. ELLIOT - Registrar

APPEARANCES:

E. CRONK	Commission Counsel
D. HUNT)	Counsel for the Attorney
L. CECCHETTO)	General and Solicitor General
	of Ontario (Crown Attorneys
	and Coroner's Office)
I.J. ROLAND)	Counsel for The Hospital for
M. THOMSON)	Sick Children
B. PERCIVAL, Q.C.)	Counsel for The Metropolitan
D. YOUNG)	Toronto Police
K. CHOWN	Counsel for numerous Doctors
	at The Hospital for Sick
	Children
B. SYMES)	Counsel for the Registered
F. KITELY)	Nurses' Association of Ontario
	and 35 Registered Nurses at
	The Hospital for Sick Children

(Cont'd) ..



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APPEARANCES (Cont'd):

D. BROWN	Counsel for Susan Nelles - Nurse
E. FORSTER	Counsel for Phyllis Trayner - Nurse
M. ROSENBERG	Counsel for Sui Scott - Nurse
J.A. OLAH	Counsel for Janet Brownless - R.N.A.
B. KNAZAN) B. JACKMAN)	Counsel for Mrs. M. Christie - R.N.A.
F.J. SHANAHAN	Counsel for Mr. & Mrs. Dominic Lombardo (parents of deceased child Stephanie Lombardo); and Heather Dawson (mother of deceased child Amber Dawson)
W.W. TOBIAS	Counsel for Mr. & Mrs. Hines (parents of deceased child Jordan Hines)
J. SHINEHOFT	Counsel for Lorie Pacsai and Kevin Garnet (parents of deceased child Kevin Pacsai).

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EMT.jc

A

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--- On commencing at 10:00 a.m.

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MARIANNA CHRISTIE, Resumed

4

THE COMMISSIONER: Miss Cronk tells me she will be a little longer than her estimate of yesterday.

6

MR. ROLAND: Surprise, surprise.

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THE COMMISSIONER: I don't know that that changes the plan at all. I think we will still not sit on Monday but it makes it more likely that we will sit on Tuesday, that is all. So all right now?

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11

MS. CRONK: Given all that abuse, sir, I am not at all sure ... Mrs. Christie, I would ask you to ignore that exchange entirely if you would.

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DIRECT EXAMINATION BY MS. CRONK (CONTINUED):

15

Q. Mrs. Christie, you will recall that yesterday afternoon at the end of the day we were discussing Kevin Pacsai, and you told me, as I understood it, that you heard the emergency buzzer sounding on Room 431 on Ward 4B at about ten to four in the morning of March 12th?

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A. Right.

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Q. Do you recall having said that?

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A. That is right.

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Q. And I read to you and drew

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A.2

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2

your attention to your evidence that was given at

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the preliminary hearing when you said at that time,

4

when you testified before His Honour Judge Vanek,

5

that the incident occurred at 2 o'clock in the

6

morning, and you told us yesterday that that was wrong.

7

A. That is right.

8

Q. Do you remember saying that?

9

A. Yes.

10

Q. You testified at the preliminary

11

hearing, Mrs. Christie, on January 28th, 1982, and

12

again as I suggest, that was your evidence at that

13

time, that the incident happened at 2 o'clock in the

14

morning?

A. Yes.

15

Q. Do you recall that?

16

A. Yes, I recall that, yes.

17

Q. You were also interviewed,

18

Mrs. Christie, by representatives of the Metropolitan

19

Toronto Police about Kevin Pacsai, were you not?

20

A. Yes.

21

Q. It is my understanding that that

22

interview took place much earlier than your testimony

23

at the preliminary hearing, that it took place on

24

May 8th, 1981. Do you recall that?

25

A. Yes.



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Q You told me yesterday that you did have an opportunity before coming to testify here to review the various statements that are attributed as having been given by you to the Metropolitan Toronto Police.

A Yes.

Q I am showing you a copy of the handwritten version of a statement dated May 8th, 1981. Have you reviewed that before?

A Yes, I have, but I think the time is wrong. It should be 4 o'clock, not 2 o'clock.

Q We will come to that, Mrs. Christie, but I take it you have read that before?

A Yes.

Q And you do recall being interviewed by the police on May 8th concerning Kevein Pacsai, 1981?

A Kevin Pacsai, yes.

Q All right.

A I did later - not at that time, I never had any copies of any of my testimony. I read it just recently when I got it. But before I never had any copies of my testimony.

Q I understand. You received and reviewed a copy of the statement prior to giving your evidence here?



A.4

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A. Right.

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Q All right. And as I draw your attention, Mrs. Christie, to a portion of the statement that is attributed to you in which it is suggested that you said that:

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"Some time after 2 a.m. (you were) in Room 418 with Phyllis Trayner and she was attending to a baby who was in an isolette. When the Code 25 was called for 4B, Phyllis left the room and went to 4B and I finished attending to the baby in the isolette."

13

14

Do you recall saying that to the officers from the Metropolitan Toronto Police who interviewed you on May 8, 1981?

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A. Yes, I do.

Q. You did say that?

A. Yes.

Q. At the time was that, as best you can remember the incident, was that information correct and true?

A. The time is wrong. Information correct, but time is wrong.

Q. All right. The information with respect to the time of the incident is in error?



A.5

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2

A. Right.

3

4

Q. But that is what you told the police on May 8, 1981?

5

A. Right.

6

7

Q. And that we know was some - a little less than two months after the death of Kevin Pacsai?

8

A. Right.

9

10

11

12

Q. Similarly you testified before His Honour Judge Vanek at the preliminary hearing you thought the incident had occurred close to 2 o'clock in the morning.

13

14

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17

My question to you, Mrs. Christie, is you told me yesterday you do not recall anything with respect to the child Michelle Manojlovich who arrested earlier in the evening on Ward 4B and was pronounced dead, as I recall it, some time approximately 3:30 in the morning.

18

19

20

21

My question to you now that you have had an opportunity to review your statement is do you recall earlier in the evening at approximately 2 o'clock hearing the emergency buzzer sound from Ward 4B?

22

23

24

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A. It may be that, but I am mixed up. Maybe that was for Manojlovich at 4 o'clock.



A.6

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Could be. But I just don't remember. I don't recall it.

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Q All right. I don't suggest that you are wrong, Mrs. Christie, about the time when you say you heard the emergency buzzer sounding for Kevin Pacsai, but I do suggest that prior to testifying here before the Commissioner you did have an opportunity and did review Kevin Pacsai's medical chart. Am I right in that?

10

A. I am not sure.

11

12

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14

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Q Well, do you recall being interviewed again by representatives of the Commission staff on March 19, 1984 to prepare and to discuss the evidence that you would be giving here? Do you remember being interviewed by Commission staff at that time?

16

A. Yes.

17

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Q Do you remember being present when your lawyers advised Commission staff at that time that you had an opportunity to review the medical charts of the 36 children whose deaths are of concern to this Commission? Do you remember hearing that?

22

23

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A. Yes, I had been reviewing but I don't remember. I just don't remember now.



A.7

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Q. You don't specifically recall

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having done so?

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A. No.

5

Q. I take it you have no reason

6

to think you didn't do so?

7

A. Right.

8

Q. You also told me, Mrs. Christie,

9

as I understood it, during the course of your evidence

10

yesterday that approximately 5:30 in the morning you

11

saw Susan Nelles waiting for the elevator to take

12

Kevin Pacsai to the Intensive Care Unit. Do you

13

remember saying that?

A. Yes, I do.

14

Q. You testified, as I recall your

15

evidence yesterday, that you now know that it was

16

5:30 in the morning because you looked at the clock

17

at the nursing station and noted the time. Is that

18

correct?

A. Correct, yes.

19

Q. And you remember that with

20

respect to that incident as well I drew your attention

21

to the evidence that you gave at the preliminary

22

hearing when you told His Honour Judge Vanek that you

23

thought that had occurred at either 5 or 5:30 in the

24

morning but you weren't certain of the time.

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A.8

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Do you remember that portion of your
evidence at the preliminary hearing?

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A. Yes.

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Q. You told me yesterday that that
wasn't as you now recall it correct; that you do
remember it was at 5:30 in the morning?

7

A. Right.

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Q. I suggest to you, Mrs. Christie,
that the same matter, that is the timing of when you
saw Ms. Nelles standing at the elevator to take the
child to the Intensive Care Unit, had come up earlier.
Once again during the course of your interview with
representatives of the Metropolitan Toronto Police
on May 8, 1981. That incident was referred to then,
was it not?

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I refer you, Mrs. Christie, if you
do not recall, again to the statement that you have
of the interview that you gave to the Metropolitan
Toronto Police and specifically to page 3 and the
portion of the statement wherein it is indicated you
said:

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"I remember some time later the
baby was transferred to Intensive
Care Unit and Phyllis came back to
our side of the ward."



A.9

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Do you remember saying that to the officer of the Metropolitan Toronto Police who was interviewing you?

5

A. Yes, I did.

6

7

Q. And at that time you couldn't or were not exact about the timing of when you saw Ms. Nelles at the elevator, isn't that so?

8

9

A. I think I did. I remember I did, yes. I remember it was 5:30 when she took him.

10

11

Q. I am sorry. When you say you remember you did, what do you remember?

12

13

A. I remember that she had been waiting for the elevator about 5:30 in the morning.

14

15

Q. I understand. You have told us that yesterday, and you have told us why it is you think it was 5:30 in the morning.

16

17

A. Yes.

18

19

20

Q. But my question to you is during the course of your interview with the police on May 8, 1981, you were not or could not be exact about the time. There is no indication that you indicated a specific time to them. Isn't that right?

21

22

A. Right.

23

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Q. And there is no indication, Mrs. Christie, that you indicated that you had looked



A.10

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at the clock at the nursing station and noted the
time. That is not mentioned either?

3

4

A. No.

5

Q. Isn't that right?

6

A. That interview was taken after
working 12-hour night shift so it was over 12 so I
was a little bit tired too. I couldn't remember
exactly. I couldn't recall everything specifically.

8

9

Q. No, I understand, Mrs. Christie.

10

My only point is this, that when you were interviewed
by the police on May 8 you didn't tell them about
having looked at the clock and you were not certain
about the time when Kevin Pacsai was taken to the
Intensive Care Unit. That is fair, is it not?

11

12

13

14

A. Yes, that is fair.

15

16

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19

Q. And also when you testified
some six or seven months later at the preliminary
hearing before His Honour Judge Vanek you specifically
indicated that you weren't certain of the time although
you thought it was 5 or 5:30 in the morning?

20

A. Right.

21

Q. Isn't that so?

22

A. Yes.

23

MS. CRONK: Mr. Commissioner, under
the circumstances I would ask that this statement be

24

25



A.11

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marked as an exhibit.

3

THE COMMISSIONER: Mr. Knazan, do you
have any views on this matter?

4

5

MR. KNAZAN: No objection.

6

THE COMMISSIONER: No. All right.
Very well then, what is the number?

7

THE REGISTRAR: 385.

8

MS. CRONK: I should say, sir, for
the benefit of other counsel there is some underlining
on that copy of the statement that was done by our
staff.

11

12

THE COMMISSIONER: Well, it was done
after they supplied me with a copy of it so we can
put that copy in instead if you like?

13

14

MS. CRONK: That would be preferable,
sir.

15

16

THE COMMISSIONER: Yes. All right.

17

--- EXHIBIT 385: Handwritten statement given
by Marianna Christie.

18

19

MS. CRONK: Q. Mrs. Christie, you
will recall we were talking yesterday as well at the
end of the day about a discussion which you said
Ms. Nelles had with Bertha Bell and Phyllis Trayner
regarding Kevin Pacsai. You recall that?

20

21

22

23

A. Yes.

24

Q. And you told us, as I understood

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A.12

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it, that Ms. Nelles was annoyed that Mrs. Radojewski
had telephoned her at home over the holidays to
discuss Kevin Pacsai. Do I have that correctly?

A. That's correct.

Q. And you also told us that you
heard Ms. Nelles telling Mrs. Bell and Mrs. Trayner
that there was to be a coroner's inquest into the
death of Kevin Pacsai?

A. Right.

-



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B/BM/LN
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Q. Where were you Mrs. Christie
when this discussion took place?

4

5

6

7

A. We had just finished report
coming on nights, so, we had just been at the nursing
station, so, that's what she had been talking to
Phyllis Trayner and Bertha Bell about it.

8

9

10

11

12

Q. Was there any one other than
Miss Nelles, Mrs. Trayner, Mrs. Bell and yourself?

A. I don't know if Mrs. Bell
was there because I believe she was giving us
report. So, it could be somebody else, but I don't
recall.

13

14

15

16

Q. Was this at night or during the
day shift, Mrs. Christie?

A. That was coming on nights.

17

18

19

20

21

22

Q. Do you recall the date upon
which this discussion took place?

A. That was on Friday, I believe
March 20th.

23

24

25

Q. All right. Can you help me
as to how it was you were in your own mind satisfied
that that was the date on which the discussion took
place?

A. Because Susan Nelles just came
from a holiday, she had holidays and I think that was



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the first day back from her holidays.

Q. All right. Mr. Registrar,
could I ask you to show Mrs. Christie if you would
please, the WIN sheets for ward 4A, exhibit 335.

Mrs. Christie, I would ask you to
look please if you would at the entries for the
week of March 9th, towards the back of the package.

A. Yes.

Q. Do you have that?

A. Yes.

Q. And if you look to March 11th,
which is the night immediately before the death of
Kevin Pacsai, we see that you were working the long
night shift, as you have already took us, with Mrs.
Trayner and Miss Nelles.

A. Right.

Q. And the very next night, March
12th, the three of you were again working on the
long night shift, as was Mrs. Scott.

A. Yes.

Q. Am I correct that it was after
that date that Miss Nelles began her holidays and
was absent from the hospital for a period of
several days?

A. Right.



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Q. And am I further correct, Mrs. Christie, that the first night, that is, the long night shift that you worked again with both Mrs. Trayner and Miss Nelles was on Friday, March 20th?

A. That's right.

Q. All right. And that's when you think this discussion took place?

A. That's correct, yes.

Q. Do you recall whether or not Miss Nelles told Mrs. Trayner anything else with respect to Kevin Pacsai during this discussion?

A. Not unless she said that Mrs. Radojewski contacted her at home and she talked about Kevin Pacsai and that there would be an inquest.

Q. Do you recall whether or not there was any discussion about digoxin or digoxin levels at that time?

A. Maybe she mentioned, I'm not quite certain, I'm not sure.

Q. Well, can you tell me Mrs. Christie when you learned for the first time that Kevin Pacsai had an elevated digoxin level?

A. Maybe that was that night,



1
2 could be, probably that night, yes.

3 Q. Do you remember whether
4 anything else was discussed by Ms. Nelles and Mrs.
5 Trayner or Mrs. Bell that you overheard that night?

6 A. No, nothing that I overheard.

7 Q. What was Mrs. Trayner's
8 response, if you recall it, to the information that
9 there was to be a coroner's inquest into the death
10 of Kevin Pacsai and that his digoxin level was
elevated?

11 A. I couldn't say because I just
12 went to attend to my patients, I didn't stay at the
13 nursing station, I don't know.

14 Q. Did you yourself know at that
15 time Mrs. Christie that Kevin Pacsai had had a
normal heart?

16 A. No, I did not.

17 Q. What was your own reaction to
18 the news that there was to be an inquest?

19 A. I just didn't know what to
20 think about it.

21 Q. Well, had there ever before
22 in your experience at the Hospital for Sick Children
23 Mrs. Christie, had there been a coroner's inquest
24 into the death of a child on the cardiac ward?
25



B5

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2

A. No, never ever.

3

Q. That was very unusual in your

4

experience?

5

A. Yes, it was.

6

Q. Perhaps, would it be fair to

7

suggest, shocking to you?

8

A. It was and probably the first

9

one too.

Q. I'm sorry?

10

A. Probably the first one too

11

the first inquest.

12

Q. That you had had anything to

13

do with?

A. That's right.

14

Q. All right. And had you ever

15

before in your connection with the coroner's inquest

16

heard the suggestion that the child involved had

17

an elevated digoxin level, that was the first for

18

you too wasn't it?

A. Right.

19

Q. All right. And when you learned

20

that Kevin Pacsai did have an elevated digoxin level

21

and that there was to be a coroner's inquest, did it

22

cross your mind that there might be a connection

23

between digoxin and that child's death.

24

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A. No.

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Q. Was there any discussion

4

amongst any of the other women at the nursing station
5 as to that possibility that night?

6

A. I'm not sure.

7

Q. None that you heard?

8

A. No.

9

Q. We've also heard, Mrs. Christie,

10

that on Monday, March 23rd, that is after the
death of Justin Cook, there was a meeting at Mrs.

11

Radojewski's house attended by a number of nurses

12

from ward 4A and 4B. Did you attend that meeting?

13

A. No, I did not.

14

Q. Can you tell me why not?

15

A. Because I haven't been home,
I didn't know about that meeting, not aware of it.

16

Q. I'm sorry, when you say you

17

weren't at home, were you working at the hospital

18

on Monday, March 23rd?

19

A. No, no I mentioned I wasn't,

20

I have been off.

21

Q. And when you say that you

22

weren't at home, did you know in advance that the
meeting was being held?

23

A. No, I did not, only later, I

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think maybe on March 25th Phyllis mentioned that to me, that there was a meeting on Monday and she called me but I wasn't in.

Q. Was that the first time that you learned that there had been a meeting?

A. That's right.

Q. And at the time you were informed that there had been a meeting, were you also informed by Mrs. Trayner as to the matters that were discussed at the meeting?

A. No.

Q. Did you have any discussion on March 25th with Mrs. Trayner about the death of Kevin Pacsai?

A. No, I did not.

Q. Were you at any point, Mrs. Christie, prior to the arrest of Susan Nelles on March 25th, a participant in any discussions on the ward amongst any of the nurses or any of the physicians with respect to Kevin Pacsai's death other than what you have already told us about?

A. No.

Q. We know that there was another child who died on ward 4B, Mrs. Christie, after Kevin Pacsai and that is Kristin Inwood. She died



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on March 13th at approximately 3:00 o'clock in the morning. As I understand it we have already looked at the WIN sheets, you did work that long night shift on March 12th, which would have been the night that the child died. Do I have that correct?

A. That's correct, yes.

Q. All right. It's my understanding that you had five patients that night, but they were all on ward 4A. Is that your recollection as well?

A. Correct, yes.

Q. Can you tell me, Mrs. Christie, at any point that night prior to the death of Kristin Inwood, did you see the child or were you in the child's room on ward 4B?

A. No, I was not.

Q. Do you recall at any point that night prior to her arrest having learned of her condition from anyone on the ward or overhearing or participating in any discussions with respect to the child?

A. No, I didn't.

Q. Do you recall indeed any of the events leading up to her arrest and death?

A. No.



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Q. Can you tell me, Mrs. Christie, by the time that you left the ward at the end of your shift on the morning of March 13th, I take it at that time you were aware of the fact that there had been another arrest and death on ward 4B?

A. Right.

Q. Was there at that time any discussions that you now recall amongst any of the nurses or physicians regarding the cause of her death?

A. Not to my recollection, no.

Q. Did you, on the basis of anything that you heard or observed during the course of that night shift, Mrs. Christie, form any impression as to whether or not Kristin Inwood's death was regarded as being expected or unexpected?

A. No, I didn't think, I didn't know anything about it, no.

Q. Did you in fact have any information about the child at all?

A. No, I didn't get anything, no.

Q. Mrs. Christie, you have told me earlier in your testimony that in November or December, 1980, you observed that there had been an unusually large number of deaths on the cardiac



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wards; do I have that correct?

3

A. That's correct, yes.

4

Q. And you have also told us,

5

told the commissioner, that you observed at that

6

time as well that these deaths appeared to be

7

occurring at night and appeared to be occurring pre-

8

dominantly when members of your team were on

9

duty and wondered why; is that a fair summary?

10

A. Yes, that's right.

11

Q. Would it be fair to suggest

12

as well, Mrs. Christie, that once you had made those

13

observations it was clear that there had been what

14

might be described as a rash of deaths on the

cardiac wards over the months of July and August,

1980?

15

A. Yes, it was.

16

Q. All right. And as well it

17

would appear at the time that you made these

18

observations that there had been another rash of

19

deaths on the cardiac wards throughout the months of

20

December.

21

A. Right.

22

Q. A considerable number of deaths?

23

A. Right.

24

Q. And I am going to suggest to

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you, Mrs. Christie, that there was another rash of deaths on these wards during the early part of March, 1981, and we have reviewed all of those children but you will recall that you were on duty in the hospital and indeed for many of the deaths on cardiac ward 4A or 4B when many of those children died at the beginning of March. Is that a fair suggestion as well?

A. Right, yes.

Q. So that by the time Kristin Inwood died on March 13th you were aware, not only that there had been a large number of deaths, as you have described them, by the end of December, but that it appeared to be happening again?

A. That's correct, yes.

Q. Did you observe at that time as well that once again many of these children, if not most of them, were dying in the early hours of the morning on the long night shift when members of your team were on duty?

A. Right.

Q. And you observed that by mid March?

A. Right.

Q. At that time, Mrs. Christie,



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B12

did it occur. to you in looking back over the
deaths which had occurred, at the beginning of
March, the deaths that you knew had taken place in
December and the deaths which by then you had
learned took place over the summer, did it occur
to you that there might be something unusual causing
any of these children to die?

A. Yes.



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Q. Can you tell me please, did you cast about in your own mind for an explanation as to what might be causing the children to die?

A. I thought those children they are probably much sicker than those we used to have on 5A.

Q. Was there anything else that occurred to you as a possible explanation?

A. I just couldn't think what was the cause, no.

Q. And you say there was something unusual you thought that might be causing their deaths, are you referring then to the fact that perhaps these children were much sicker than those you had seen on Ward 5A?

A. Right.

Q. I take it then by that time you no longer considered these rash of deaths as a matter of merely bad luck, or coincidence.

A. I considered that too probably, probably bad luck and coincidence as well.

Q. We know, Mrs. Christie, you have told us that in December when you first noticed this unusually large number of deaths, that



Christie, dr.ex.
(Cronk)

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those were explanations that occurred to you, that you thought perhaps it was bad luck or coincidence. I am asking you whether in March when you observed that yet again there appeared to be a large number of children dying in a short period of time, did it still appear to you to be a matter merely of coincidence or bad luck?

A. Yes, it did.

Q. And apart perhaps from the gravity or the seriousness --

THE COMMISSIONER: Coincidence, bad luck or sick babies, that is what you are saying, is it?

MS. CRONK: Yes, sir.

Q. Apart from the seriousness or the illness of these children, and apart from what you considered to be perhaps continuing bad luck or coincidence, did any other explanation occur to you at the time for why all these children were dying?

A. No.

Q. Did you at that time, that is by the middle of March, 1981, discuss any of these observations with any of the other nurses on Ward 4A or 4B?



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2

A. I don't recall.

3

Q. Did you learn anything, Mrs.

4

Christie, by the middle of March, 1981, that caused

5

you to think that some of these deaths may not be

6

attributable solely to the seriousness of the

7

child's illness, or bad luck?

8

A. Yes.

9

Q. I am sorry, let me ensure

10

that you understand the question. Can you tell me

11

what it was that you learned that caused you to

think that there might be some other reason?

12

A. Well on March the 25th two

13

police officers came to speak to me and they

14

mentioned what was the reason.

15

Q. I understand that, Mrs.

16

Christie. My question was, by the middle of

17

March, before the police officers came to inter-

18

view you, had you learned anything by that time,

19

by the middle of March, that made you think that

20

there might be something to explain the deaths of

21

any of these children other than the seriousness

of their illness, bad luck, or coincidence, had

you learned anything at that point?

22

A. No, I wouldn't know, no.

23

Q. Did you, Mrs. Christie, at

24

25



1
2 any time prior to the death of Allana Miller, and
3 prior to the death of Justin Cook, observe anyone
4 doing anything, or saying anything on the cardiac
5 wards that caused you to be concerned that some of
6 these children might not be dying from natural
causes?

7 A. I don't recall.

8 Q. You don't recall one way or
9 the other?

10 A. No.

11 THE COMMISSIONER: I think it is safe
12 to say - that can't be the right answer. If somebody
13 said something to you, or did something that made you
14 think that there was something unnatural going on,
15 you would remember it. So I think it is safe to
16 say, and I don't want you to agree with me just to
17 please me, I think it is safe to say that nothing
18 occurred that made you suspicious about the deaths
of these children.

19 THE WITNESS: That's right.

20 THE COMMISSIONER: That's perhaps
the --

21 MS. CRONK: Thank you, sir.

22 THE COMMISSIONER: That perhaps
23 is the new all time leading question.
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MS. CRONK: It appears to have worked, sir.

Q. Mrs. Christie, one other question on the same point so I am very sure I understand what was in your mind by the middle of March, 1981. Did you observe any activities by any of the nurses, or any of the physicians on Ward 4A or 4B, that you thought in your own mind may have contributed in any way to the deaths of any of these children?

A. No, I didn't observe anything, no.

Q. Mrs. Christie, another child died on Ward 4A this time after the death of Kristin Inwood and that was Charlon Gardner who died on March 18th, 1981 at approximately 4:30 in the morning. As I understand it you worked the long night shift on March the 17th, do I have that correctly?

A. Yes, that's right.

Q. We know that Charlon Gardner, as I have suggested, died on Ward 4A. I would ask you perhaps to look at the assignment book for this particular night; Exhibit 32A, Mr. Registrar. Mrs. Christie, could I ask you to look please at



6
1
2 Tab 13, page 171.

3 THE COMMISSIONER: Tab, I am sorry,
4 Tab what?

5 MS. CRONK; Tab 13, page 171, sir.

6 THE COMMISSIONER: Thank you.

7 THE WITNESS: Yes.

8 MS. CRONK: Q. Do you have that?

9 A. Yes.

10 Q. I draw your attention to
11 the nursing assignments for the long night shift
12 this is for March 17th, Mrs. Christie, and it
13 appears that you had four children in Room 421,
14 one in Room 426 and one in Room 423.

15 A. That's correct.

16 Q. And as well Mrs. Trayner
17 was working as the nurse in charge but she did not
18 have any patient assignments that evening?

19 A. That's right.

20 Q. As well Miss Brownless was
21 working with, I take that to be four children in
22 Room 425 and three in Room 318?

23 A. That is right.

24 Q. And as well we have heard that
25 Mrs. Scott was working and she had two patients in
Room 418 on shared nursing care, one of whom was



1
2 Charlon Gardner, is that correct?

3 A. Right.

4 Q. I see from the assignment
5 book, Mrs. Christie, that you had six patients that
6 night in three different rooms, none of those
7 patients were in Room 418 the room where Charlon
8 Gardner was staying. Can you tell me please, do
9 you recall having gone into Room 418 at any point
10 that night prior to the arrest of Charlon Gardner?

11 A. No, I didn't, not to my
12 knowledge, no.

13 Q. You don't remember having
14 done so?

15 A. No.

16 Q. Do you recall any of the
17 events leading up to this child's arrest?

18 A. No.

19 Q. Do you recall whether or not
20 you were present when the child did arrest and when
21 attempts were made to resuscitate the child?

22 A. I don't recall, I don't
23 remember.

24 Q. Do you recall when you took
25 your break that night, or who you took your breaks
with, Mrs. Christie?



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A. No, I can't remember.

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Q. Do you remember before leaving the ward that night - I am sorry, it would have been the following morning, were there any discussions amongst any of the nurses, or physicians then on the ward, concerning that child's death or any of the circumstances surrounding her death?

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A. Not that I recall, I can't recall that.

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Q. Now I recognize, Mrs. Christie, that you would have been quite busy that evening taking care of the sick children who had been assigned to you and they were in three different rooms, so you would have been in and out of those rooms at various times, is that true?

21

22

23

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25

A. Right.

Q. Did you at any point during the course of that long night nursing shift notice anyone feeding either of the two children in Room 418, or administering any medication to either of them?

A. No, I didn't notice, I don't know.

Q. I take it, however, you were aware before you left the Hospital that there had



1

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been another arrest and another death?

3

A. Right.

4

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Q. Mrs. Christie, you told us previously that you worked long nights on Friday March 20th, you will recall that is the night you overheard the discussion between Miss Nelles, Mrs. Trayner and Mrs. Bell, the Friday night.

8

9

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11

A. Correct.

Q. Could you with the same book in front of you, that is the 4A assignment book, turn to page 177 please.

12

13

14

A. Yes, I have it.

Q. Again these are the nursing patient assignments for the long night of Friday, March 20th, Mrs. Christie?

15

16

17

A. Yes.

Q. We see from the assignment book that you had three patients in Room 425?

18

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21

A. Right.

Q. I am sorry, perhaps just to be certain you could look at the assignment book while we go through this. You had three in Room 425?

22

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24

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A. Right.

Q. You also had two children,



1

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two patients in Room 421?

3

A. Correct.

4

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Q. And until 11 o'clock at night
you had one patient in Room 418, am I reading
those correctly?

6

A. That's right.

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Q. We know from other evidence
as well as from the assignment book that Miss
Janet Brownless was relieving on another ward until
11 o'clock that night, but that she came on duty
on Ward 4A at 11 o'clock, and at that point in time,
at 11, did she assume responsibility for the child
in Room 418 that you had previously been taking
care of?

14

A. Correct.

15

16

Q. And as well she assumed care
of two other patients in Room 418, and one in 426?

17

A. That's right.

18

19

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21

22

Q. We know that Mrs. Trayner
was on duty that night, she was the nurse in charge,
and it appears that until 11 o'clock she had
responsibility for two children, but after 11 Miss
Brownless assumed those and she had no further
patients that night?

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A. That's correct, yes.

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Q. And then finally Ms. Nelles was on duty that night. She had one patient in Room 423, and it appears again until 11:00 she had two in room 418 but after 11:00 she had one in 418. Am I reading that correctly?

A. Right. Yes.

Q. If you could look back to the day shift entries, I am going to suggest to you, and I don't think this is in issue, Mrs. Christie, the only child in Room 423 was Allana Miller, and that was a child assigned to Ms. Nelles in that room.

A. Allana Miller, on the same day?

Q. That night was in Room 423.

A. Right.

Q. Assigned to the care of Ms. Nelles.

A. Right.

Q. Did you have occasion, Mrs. Christie, at any time prior to testifying at the preliminary hearing to set down in writing your recollection of the events which took place at the hospital on those mornings on the weekend of March 20th? Did you make notes about those events?

A. No. Not really. Only two weeks after I did make some notes, right. Two weeks after.



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Q. I take it then your answer is
yes, you did make some notes?

THE COMMISSIONER: Two weeks after
what?

THE WITNESS: Two weeks after Allana -
two weeks after Allana and Justin Cook died I did make
some notes, yes.

THE COMMISSIONER: All right.

MS. CRONK: Q. Mrs. Christie, I am
going to show you - these are two pages of typewritten
notes, Mrs. Christie. Can you tell me, please, are
these the notes that you made two weeks after Allana
Miller and Justin Cook died?

A. Correct, yes.

Q. And these were made as you have
said, as best you can recall it, within two weeks
after their death?

A. Yes.

MS. CRONK: I think, sir, I have given
you the wrong copy. I should give you the original.

THE COMMISSIONER: Yes, all right.
This is to be an exhibit I take it?

MS. CRONK: Yes.

THE COMMISSIONER: 386.



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---EXHIBIT NO. 386: Typewritten statement of Marianna Christie.

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MS. CRONK: Q. Can you tell me, please, why you made these notes?

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A. I made those notes because Mrs. Radojewski suggested to us that we should speak to the lawyer which was Mr. Carter, hospital lawyer, Mr. Carter, so she advised Phyllis and all the other nurses and me as well to go and speak to him which at that time I didn't have much time to contact him so later I did phone his office but I had been told that he was on holidays. He wasn't in. So that's the reason that I made those notes, and that especially for him. They are supposed to be for him.

14

15

Q. These were to assist you in your discussions with Mr. Carter?

16

17

A. They are supposed to - yes, but I never seen Mr. Carter, no.

18

19

Q. All right.

20

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A. They were supposed to be for Mr. Carter.

Q. All right. When you made the notes, Mrs. Christie, because sometimes lawyers do go on holidays, Mrs. Christie, although it seems more infrequent of late than in the past - can you help me, Mrs. Christie, when you made the notes did you sit



1
2 down at a typewriter because I note these notes are
3 typed, and simply type out the note or did you make them
4 in long hand first?

5 A. No, I made them in long hand
6 first.

7 Q. You wrote them out?

8 A. Right.

9 Q. And you personally did that?

10 A. Right.

11 Q. Do you still have the long hand
12 notes that you made?

13 A. No, not any more.

14 Q. Can you tell me, please, how it
15 is they got typed? Did you do that?

16 A. No, I didn't type them. My
17 daughter typed them for me.

18 Q. And when did --

19 A. After I did writing, maybe
20 a couple of days after.

21 Q. After you had made the notes?

22 A. Right.

23 Q. And what did you do with the
24 handwritten notes?

25 A. I threw them out.

Q. When did you do that?



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A. Right away. When I got the typed notes I threw the other out.

3

4

Q. I see. So you threw the handwritten ones out as soon as your daughter had typed these out?

5

6

A. Right.

7

8

Q. Now you told the Commissioner that Mrs. Radojewski suggested that you contact the hospital lawyer, Mr. Carter.

9

10

A. Yes.

11

Q. Did she also suggest to you that you make notes of what you recall of that weekend?

12

13

A. Not really. I don't think so she mentioned anything about that, no, not to my recollection. I don't remember.

14

15

Q. Mrs. Christie, did you make notes of your recollections of any of the other children who died on the cardiac wards?

16

17

A. No, I did not.

18

Q. These were the only two?

19

A. Right.

20

Q. These were the only personal notes that you made at any time concerning the children who died during those nine months?

21

22

A. That's right.

23

Q. Could you help me, please, why then

24

25



1
2 you made notes with respect particularly to Justin
3 Cook and Allana Miller in anticipation of meeting with
4 Mr. Carter and not, for example, the other two children
5 with whose deaths Ms. Nelles had been charged, Kevin
6 Pacsai and Janice Estrella?

7 A. Because those deaths had been
8 one after another and then also Dr. Fowler came to the
9 floor and after that I thought maybe I had better
10 write something about it.

11 Q. I'm sorry, Dr. Fowler came to the
12 floor when?

13 A. When Justin Cook died, early in
14 the morning, the following morning he came to our
15 floor.

16 Q. Did Dr. Fowler suggest you make
17 notes?

18 A. No, no, no. Nobody suggested.
19 I just thought maybe I should mark whatever I remember
20 at that time.

21 Q. All right. So that I understand
22 it, Mrs. Christie, you were interviewed as I under-
23 stand it by representatives of the Metropolitan
24 Toronto Police on March 25, 1981.

25 A. Right.

Q. Were you interviewed at that time



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2

concerning the deaths of Justin Cook and Allana Miller?

3

A. Right.

4

Q. As I understand it you were not interviewed again by representatives of the Metropolitan Toronto Police until April 23rd, 1981. Is that correct?

5

6

A. Correct, yes.

7

Q. And these notes were made then after the first interview but before the second?

8

A. Right.

9

10

Q. And by the time that you sat down to make these notes, Mrs.Christie, did you know that Ms. Nelles had been charged concerning the deaths of not only Allana Miller and Justin Cook but Kevin Pacsai and Janice Estrella as well?

11

12

13

A. Yes.

14

15

Q. You knew that?

16

A. Yes.

17

Q. Do I understand you then to be saying that you did not at that time attempt to set out in writing or to record in any way what you remembered of the deaths of those two children or what had happened on the wards those two nights?

18

19

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A. No.

21

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Q. What was there about Justin Cook and Allana Miller particularly that stood out in your

23

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mind that made you write notes about them and not
the other two children?

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A. I don't know. I just didn't know,
and since Mrs. Radojewski suggested to see a lawyer,
I thought maybe I mark what I remember about those
children and mark it down, that's all.

5

6

7

Q. I'm sorry, are you now saying that
Mrs. Radojewski suggested that you make notes --

8

9

A. No, she didn't.

10

11

Q. -- that you make notes about
those two children?

12

13

A. No, she didn't. I don't recall
she suggested about notes. Only she suggested about
get in touch with the lawyer, hospital lawyer.

14

15

16

Q. All right. I take it then that
no one suggested to you before you made these notes
because you hadn't seen Mr. Carter --

17

A. That is right.

18

Q. -- that the notes should be made.

19

A. Correct.

20

Q. You decided to do that and you
did it with respect to these two?

21

A. Right.

22

23

Q. We know, Mrs. Christie, on the
night of Friday, March 20th, you had some six patients

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in three different rooms.

3

A. Yes.

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Q. After 11:00 that night you had
five children in two different rooms.

6

Do you recall now, Mrs. Christie, what
condition your patients were in that night?

7

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A. In 425 there had been three boys
about four to five years of age. Couple of days after
surgery and they had been pretty stable, those boys.
And in 21 I had two babies and one of the babies,
one of the babies was vomiting for some time. So I
had to replace fluids and it kept me busy with those
two babies, yes.

14

Q. How old were the babies in Room
421, do you remember?

15

16

A. I don't remember.

17

18

Q. Were they infants or toddlers?
A. Infants. Maybe three months
old. Something like that.

19

20

Q. I take it one was sicker than
the other because he or she had been vomiting during
the night shift, or during the day shift?

21

22

A. During the day and night as well.

23

24

25

Q. And you had until 11:00 one child
in Room 418. What was the condition of that child do



1

2

you remember when you came on shift?

3

A. That child was pretty stable, yes.

4

Q. When you came on duty that night

5

I take it you would have arrived at your normal time,
at approximately 7:00?

6

A. Right.

7

Q. Did you attend report that evening?

8

A. Right.

9

Q. And then did you follow your

10

normal routine which you described for us yesterday,

11

Mrs. Christie? That is, did you attend to your child

12

in Room 418 first because that was the infant room?

13

A. Maybe this time I wouldn't

14

attend 418; only 421 first, to the other babies.

15

Q. Well, do you remember which

16

children you attended to first after report that
night?

17

A. Yes. It is 421.

18

Q. Can you help me as to why that

19

would be the case when you did have an infant in 418?

20

A. Right. I had that infant

21

only until 11:00 and I took signs on that infant
already at that time so I would have to - oh, no, no.

22

Sorry. I would first go to 418, right, yes, I would.

23

Q. I am not sure that anything turns

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on it, but one of us is fairly confused, Mrs.Christie
and I suspect that it is me.

After report that night when you first
came on duty, did you follow your usual pattern and
start in Room 418 and care for your child there?

A. Right, I would.

Q. And then would you have proceeded
to take care of the children in the other two rooms?

A. That is correct, yes.

Q. When did you take your first
coffee break that night?

A. That night I took my coffee break
early. I usually don't take it early, but I take it
10:00, after 10.

Q. When you say after 10, do you
recall how much after 10?

A. Could be maybe ten minutes after
10.

Q. How is it that you recall
specifically what time you took your break?

A. I remember because Janet Brownless
went relieving to Ward 7A that night from 7 till 11,
and she came down about 10:00 for her coffee break and
so I joined her, and I think Bertha Bell; B side
some nurses as well.



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2

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Q. So did you take your coffee
break that night at the nursing station?

4

A. Right.

5

Q. And you took it with Miss Brownless
who was at the nursing station then?

6

A. That is right.

7

8

Q. And I think you mentioned Bertha
Bell?

9

A. Right.

10

Q. She was there?

11

A. Right.

12

Q. Do you recall whether there were
any other nurses from the 4A side there when you took
your coffee break?

13

14

A. Not from 4A side, no. They had
their coffee break early that night.

15

16

Q. For example, I take it then that
you are saying Mrs. Trayner was not at the nursing
station when you took your break?

17

18

19

A. I haven't seen her. Maybe she
was, but not with us. Not having coffee break, no.

20

21

Q. Do you recall whether specifically
Ms. Nelles was at the nursing station when you took
your break?

22

23

A. No, she wasn't. Not to my

24

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recollection, no.

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Q. I am obliged to tell you, Mrs.

Christie, that Mrs. Trayner has testified at the preliminary hearing and this, sir, is found in Volume 5 at page 1170, with respect to the times at which Ms. Nelles took her breaks that night, Friday night.

She has testified that Ms. Nelles and Mrs. Trayner took their coffee break together between 10:15 and 10:30 that evening on the Friday night.

Now if that be so I suggest they would have been at the nursing station at the same time that you were there with Janet Brownless. Isn't that so?

A. Correct, yes.

Q. But you do not recall having seen either woman at the nursing station while you were on your break?

A. Not at that time, no.

Q. Do you recall how long you in fact took your coffee break that night?

A. Maybe half an hour.

Q. And if you arrived at 10 or 10 after 10 that would mean you were there until 10:30 or 20 to 11.

A. Correct.

Q. And during that entire 30 minute



1
2 period of time you don't remember seeing either of
3 those women there?

4 A. No.

5 Q. I take it, however, from what
6 you have said it is possible that they were and
7 simply do not remember.

8 A. I remember they had their coffee
9 break earlier before me.

10 Q. I see. You have a distinct
11 recollection then they had their break earlier before
12 you did that night.

13 A. Yes, I remember Susan Nelles'
14 brother being there and another doctor, and Phyllis
15 Trayner and Susan, they all had coffee break together
16 before that.

17 Q. When you say Miss Nelles' brother
18 are you referring to Dr. Nelles?

19 A. Right.

20 Q. Do you recall who the other
21 physician was?

22 A. I don't recall his name, no, I
23 don't remember.

24 Q. Where were they taking their
25 break?

A. At the nursing station.



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Q. Did you observe them? You saw them there at the nursing station?

A. Yes, I did.

Q. And you saw them drinking coffee?

A. Right.

Q. At any time, Mrs. Christie, prior to your coffee break, that is prior to 10:00 or 10 after 10, did you go into Allana Miller's room in 423?

A. Yes, I did.

Q. Can you tell me, please, when that was?

A. Once I had been about 10:00.

Q. You told us you took your break at 10:00 or about 10 after 10.

A. Right.

Q. Are you saying then you were in Allana Miller's room while you were on your break or was it just before you took your break?

A. Before my break.

Q. All right. Why did you go to Allana's room?

A. Because the alarm had been sounding and I went to check. I went to her room and checked.

Q. Where were you when you heard the



1

2

alarm sounding?

3

A. I had been in Room 421.

4

Q. You were not yet at the nursing
station?

5

A. No, not yet.

6

7

Q. When you went into Room 423 who
was there?

8

9

A. When I entered that room Phyllis
Trayner had been already in that room. Maybe she just
came before me, could be, but she had been there
earlier.

10

11

12

Q. All right. Who else was in the
room aside, of course, from the patient, aside from
Allana Miller?

13

14

15

A. Nobody. Just Phyllis Trayner and
myself.

16

17

Q. What was Mrs. Trayner doing when
you went into the room?

18

19

A. She had been just checking the
monitor.

20

21

Q. When you say checking the monitor,
was that a cardiac monitor?

22

23

24

25

A. Right.

Q. What specifically was she doing?

Was she looking at the printout or was she looking at the



1

2

equipment itself?

3

A. No, looking at the printout and

4

just checking, yes.

5

Q. What did you do when you went into

6

the room?

7

A. I just went in and everything

8

seems to be okay so I left shortly.

9

Q. Well, how long were you in the

10

room?

A. Maybe just one minute.

11

Q. Did you have any discussion with

12

Mrs. Trayner while you were there?

13

A. No.

14

Q. Was Mrs. Trayner still in the

15

room when you left or did she leave with you?

16

A. No, we left together.

17

18

19

20

21

22

23

24

25



E/BM/LN

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Q. And you recall that specifically?

3

A. Yes, I do.

4

Q. What was Allana Miller's condition when you left the room?

5

A. She seemed to be all right.

6

7

Q. Was the cardiac monitor, insofar as you could tell, functioning properly, was it working properly?

8

9

A. Yes, at that time, yes.

10

11

Q. And it had been going off and that's what caused you to go into the room and I take it it had stopped going off before you left?

12

13

A. Right.

14

15

Q. Did you for any reason, Mrs. Christie, go back into Allana Miller's room again before midnight?

16

17

A. Not before midnight that I can remember, no.

18

19

Q. That was the only time that you were there before midnight?

20

21

22

23

24

25

A. Right.

Q. And during the, about one minute I think you said that you were in Allana Miller's room, I take it Mrs. Trayner didn't do anything else other than look at the cardiac monitor,



E2

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2

is that so?

3

A. Correct, yes.

4

Q. Did you notice while you were

5

in Allana Miller's room whether or not her intravenous
was running?

6

7

A. I am not sure if she had the
IV at that time, I can't recall, I don't know.

8

9

Q. Well, to assist you with that,
and I ask you to except it from me, the evidence to
date appears to suggest that she was on an
intravenous but I take it you don't recall?

10

11

12

A. Right.

13

14

Q. All right. You didn't then
I take it have any reason to look at the intravenous
or the buretrol while you were in the room?

15

16

A. Correct, yes.

17

18

Q. At any time before midnight,
Mrs. Christie, did you see another patient, Justin
Cook, being admitted to the ward?

19

A. Yes, I did.

20

21

Q. All right. Can you tell me
please, as best you remember it, when did you first
see Justin Cook?

22

23

A. I think he came about ten
minutes to eleven.

24

25



E3

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Q. All right. Can you help me
please as to why you think it was that time?

3

4

A. I had been feeding a baby in
that room; I had a baby in that room also, so, I
had been feeding that baby and that's what I
remember, Justin being admitted at about that time.

5

6

7

8

9

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11

Q. All right. When you say that
room, we know that Justin Cook was ultimately
admitted to room 418 on ward 4A and until 11:00
o'clock at night you had a patient in room 418. Is
that the patient that you are referring to?

12

13

14

15

A. Right.

16

17

18

Q. All right. And what did you
see with respect to Justin Cook at about ten to
eleven?

19

20

21

A. Well, he was just admitted.
I saw his parents later on for a little while and
Sue Nelles took care of him, she was assigned to
his care.

22

23

24

25

Q. Well, when you say he was
admitted, was he admitted at the nursing station
or was he physically in room 418?

A. No, he was physically in room
418 I believe.

Q. And who was with him?



1

2

A. Sue Nelles.

3

Q. Were the parents of Justin

4

Cook there at the same time?

5

A. Not at the same time, they

6

came later, I saw them later briefly, yes.

7

Q. And what was Miss Nelles doing

8

with Justin Cook when you saw her?

9

A. I believe she took his signs.

10

Q. His vital signs?

11

A. Yes.

12

Q. All right. And what were you

doing in 418, I'm sorry.

13

A. I had been feeding the baby

I had until 11:00 o'clock.

14

Q. All right. And how long were

15

you in the room at that time?

16

A. It could be until a quarter

17

after eleven.

18

Q. Did you finish feeding your

19

patient in room 418 before Miss Brownless assumed

20

his care?

21

A. Yes, I did.

22

Q. And during the time that you

23

were feeding the child in room 418 was Miss Nelles

24

there the entire time with Justin Cook?

25

E4



E⁵

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2

A. Yes, she had been there.

3

Q. All right. And then when you

4

finished feeding your child, what did you do then?

5

A. I went to my other rooms,

6

to room 21 to take signs and later on I went to

7

room 425 to take signs.

8

Q. When you left room 418 was

Miss Nelles and Justin Cook still there?

9

A. I don't remember, I don't

10

recall that.

11

Q. All right. Did you know, Mrs.

12

Christie, that that night Justin Cook was taken

13

to the^{echo} lab for tests; did you know that?

14

A. Yes, I know.

15

Q. Well, you know it now, but

16

did you know it at the time? Did you know that

17

night that he was taken to the echo lab?

18

A. No, at that time, no I didn't

know, no.

19

Q. Well, when did you first learn

20

that he was taken to the echo lab?

21

A. I hadn't seen Sue going with

22

him to the^{echo} lab I only noticed that Sue wasn't

23

on the floor and neither Justin Cook, so, I presumed

24

she went to the^{echo} lab.

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Q. When did you notice that Miss Nelles was not on the floor?

A. It was before 12:00 o'clock.

Q. Can you help me, how much before 12:00 o'clock, was it a minute or five minutes, ten minutes, fifteen minutes, or do you know, or a half an hour?

A. It could be maybe ten minutes or twelve minutes or something like that.

Q. All right. And when you say that you noticed that Miss Nelles was not on the floor, where were you at that time?

A. I was in room 421.

Q. Attending to your patients?

A. Right.

Q. Well, there would be no reason for Miss Nelles to be in room 421, would there, the patients that she had were Allana Miller in room 423, she was admitting Justin Cook in room 418 and Janet Brownless had taken over her other child that night at 11:00 o'clock. So, if you were in room 421, Mrs. Christie, how is it that you noticed at that time that Miss Nelles was not on the floor?

A. Well, I just know that she wasn't on the floor. I was in room 418 before and,



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2

E7

3

so, I know hadn't seen her so I don't know were she went but I hadn't seen her at that time.

4

5

Q. All right. Did you see Dr. Schaffer on the floor at any time prior to midnight?

6

A. Yes, I did.

7

Q. What time was that?

8

A. That was when baby Cook was admitted.

9

10

Q. All right. That would have been then at about approximately ten to eleven when you saw Susan Nelles in room 418 or was it later?

12

A. A little later.

13

Q. Do you recall now what time it was?

14

15

A. The exact time, I think it was probably after eleven, but the exact time I don't remember, no.

16

17

Q. Did you know why Dr. Schaffer was there?

18

19

A. I think he was examining baby Cook.

20

21

22

23

24

25

Q. Did you hear any discussion at all by Miss Nelles with Dr. Schaffer or with Mrs. Trayner or any of the other nurses on ward 4A when Dr. Schaffer was on the ward concerning the fact that



E8

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Justin Cook was to be taken for an echocardiogram.

3

A. I think I probably heard

4

something that he is suppose to have one, yes.

5

Q. Well, I'm sorry. You say that

6

you probably heard something, do you remember
hearing anything?

7

A. I'm not sure, I can't say one

8

way or the other but I think I probably heard

9

something about it, yes.

10

Q. Well, other than the twenty

11

or twenty-five minutes when you saw Justin Cook in

12

room 418 while you were feeding your child, you have

13

told us that was about ten to eleven until about

14

quarter after eleven, did you see Justin Cook again

15

that night at any time?

A. Later, yes, when he came back

16

from the echocardiogram I saw him in his crib, right.

17

Q. Where was the crib?

18

A. The crib was second crib on

19

the right hand side in room 418.

20

Q. Okay. What time was that?

21

A. That was after 12:00 o'clock,

22

maybe 12:30 or later.

23

Q. How is it that you recall or

24

remember the time, Mrs. Christie?

25



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A. I don't know how I remember
the time, but about that time.

3

4

Q. Who was in the room other
than yourself and other than Justin Cook?

5

6

A. I think Janet Brownless was
in that room and Sue Nelles too.

7

8

Q. What were you doing in 418
at that time, Mrs. Christie, you no longer had a
patient in that room?

9

10

11

A. Maybe I just passed by or
so, I don't know. Oh, I don't know, I feed my
baby already, I finished feeding that baby. I just
passed by but I noticed that he was in bed, in the
crib.

12

13

14

15

Q. And you specifically recall
having personally been in room 418 after midnight
you think at approximately 12:30 and having seen
Justin Cook there?

16

17

18

A. Right, yes.

19

Q. Do you remember what you were
doing in the room?

20

21

A. No, I don't remember, no.

22

Q. Do you remember how long you
were there?

23

24

A. No, not too long.

25

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E9



E10

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Q. Well, by not too long can you help me. A couple of minutes, five minutes, ten minutes?

A. A couple of minutes, yes.

Q. All right. And during the course of the time when you were in the room did anyone else come in the room?

A. Janet Brownless had been there and I believe Sue Nelles too and maybe somebody from B side, maybe some nurses from B, and maybe Phyllis, I don't recall exactly.

Q. Now, after that incident when you were in the room for a few minutes and saw Justin Cook there in his bed - well may I ask you, what was his condition while you were in the room, what was he doing?

A. He was in the oxygen hood.

Q. I'm sorry, in the oxygen hood?

A. In the oxygen hood, right.

Q. What was Miss Nelles doing if anything with respect to Justin Cook?

A. I think she was at his bedside, I think she was there too.

Q. Well, while you were in the room on that occasion, Mrs. Christie, did you see anyone



E11

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2

either feeding Justin Cook or administering to him
any medication of any kind?

4

A. No, not at that time I haven't
seen anybody, no.

5

6

Q. Now, after you left the room
and went to attend to your patients in the other
two rooms, did you again at any time that night
before you went home at the end of your shift, again
see Justin Cook?

9

10

A. Yes, I did.

11

Q. All right. Can you tell me
please when the next time was that you saw Justin
Cook?

12

13

14

A. The next time I saw Justin
Cook it was after 2:00 o'clock and he was crying.
So I went to - Sue Nelles wasn't in that room, so
I went there and I changed his diaper, I walked him,
I held him, I cuddled him, but he was still crying,
still upset. So I noticed that he was hungry, so
I went to Phyllis Trayner, she was just standing at
the nursing station, so I asked Phyllis Trayner if
I could feed Justin Cook because he seems to be
hungry and Phyllis Trayner checked his chart and she
said - because I didn't know if he could have something
to drink or not because he was in admission and we

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E12

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had to wait until the doctor arrived. So she
checked his charts and she got me a bottle of milk
for Justin Cook.

4

5

Q. All right and what did you
do then?

6

7

A. I fed Justin Cook.

8

9

Q. All right. Can you tell me
please where you were when you heard Justin Cook
crying?

10

11

A. Probably just maybe 21 or
just passing the door, just passing.

12

Q. You don't remember?

13

A. No, no, not exactly, but I
heard he was crying so I went in.

14

15

Q. And who was in room 418 when
you went in the room?

16

A. Janet Brownless was there too.

17

18

Q. And you told me that Miss
Nelles was not there?

19

A. No, no.

20

21

Q. And you also told me I believe
that you thought that you heard Justin Cook crying
after 2:00 a.m.?

22

A. Right.

23

24

Q. Do you recall how long after

25



E13

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2:00 o'clock it was?

A. I couldn't say exactly, no,
I can't say exactly but it was after 2:00.

Q. All right. Mrs. Christie,
do you have a copy there of the transcript from
your evidence at the preliminary hearing, volume 7.
I would refer you, Mrs. Christie, to page 1540,
column 7 of your evidence. You have that?

A. Yes, I do.

Q. Okay, I am going to refer you
to about line 21, do you see that?

A. Yes.

Q. And the answer is:

"A. Oh yeah - oh while
that was occurring we had,
baby Cook was admitted.

Q. Yes.

A. And baby Cook was crying and
so I changed the diaper and I held
the baby, ..."

---(Off record discussion)

MS. CRONK: Shall I continue, sir.

THE COMMISSIONER: Yes.

MS. CRONK: I was referring you to
line 21 at page 1540.



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E14

A. Right.

Q. Can you had started to say:

"A. And Baby Cook was crying and so I changed the diaper and I held the baby, took the baby, held the baby and also rocked the baby, but nothing seems to help him. He was still crying and I think he was hungry, so I went and asked Phyllis if I could give something to drink, something for the baby because the baby seems to be hungry.

Q. Yes.

A. So if that baby could have something to drink. So Phyllis went and checked and so she got me a four ounces of milk and I gave that to baby Cook and baby Cook took that eagerly and settled down.

Q. All right. And what time was that?

A. That was about 2, 2:30, about that time.

Q. At what time?

A. About 2:00 o'clock or about ...



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E15

Q. 2:00 o'clock in the morning?

A. Yeah that's right.

Q. That would be the Saturday,
March 21st?

A. That's right, yeah."

Do you remember being asked those
questions and giving those answers, Mrs. Christie,
at the preliminary hearing?

A. Yes.

Q. And were the answers true and
accurate then to the best of your belief?

A. Right.

Q. And you indicated at that time
that you heard Justin Cook crying at about 2 or 2:30,
about that time.

A. Between 2 and 2:30, right.

Q. Well, I'm sorry, at the
preliminary hearing you said it was about 2, 2:30,
about that time, do you recall saying that?

A. Yes, right.

Q. And you have told me here today
that it was about 2 but you couldn't be more
specific about the time. Do I have that correct?

A. Correct, yes.

Q. According to your evidence at



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the preliminary hearing it would suggest that it was 2 or 2:30, somewhere in there?

A. Could be, yes.

Q. I would ask you to look as well at your personal notes, Mrs. Christie, the two pages of typed notes. I direct your attention to page 2 - well, perhaps we should start at the bottom of page 1, the very last sentence where it reads:

"Baby Allana started choking and Phyllis sat her up and I started to talk to her and she gave us a smile. A half hour later the baby arrested. While this was occurrring baby Cook was crying so I held and rocked him but it didn't seem to help."

Do you see that?

A. Yes, I do.

Q.

"I asked Phyllis if I could give him some milk because the baby seemed to be hungry."

Now, stopping there for a moment, that suggests does it not that when you heard Justin Cook crying it was during the arrest of Allana Miller; that's what you recorded, isn't it?

A. No, that was before the arrest.



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Q. Well, I am sorry, Mrs.

Christie, we will deal first with what is in your notes. You have indicated that after a particular episode when Allana was choking, a half hour later the baby arrested, correct, that is what you said in your notes?

A. Yes I did.

Q. Then you said:

"While this was occurring Baby Cook was crying so I held and rocked him, didn't seem to help..."

And you then proceeded to feed the child. Now I take from that, I suggest fairly, Mrs. Christie, that when you wrote these notes you were suggesting that that crying episode occurred when Allana Miller was arresting, isn't that so?

A. I recall that that was before Allana Miller arrested, before that time.

Q. We will come to that in a moment, Mrs. Christie. My question to you is this. Based on the language of your notes you appear to have been suggesting then when you wrote them that this episode with Justin Cook crying and when you fed him occurred when Allana Miller was arresting, isn't that what you said in your notes?



1

2

A. Yes, it looks so, but it was

3

before.

4

Q. Are you telling me then you

5

were in error when you made these notes, that you

6

now recall that this occurred before Allana's arrest?

7

A. It was, yes.

8

Q. You see one of the difficulties

9

Mrs. Christie is this, we know from Allana Miller's

10

chart that she got into trouble at approximately

11

1:45 in the morning; and that Dr. Soulioti was with

12

her at about 2:40 in the morning; and the Code 25

13

was called at approximately 2:45 a.m. Had Allana

14

Miller's Code 25 been called when you noticed or

15

heard Justin Cook crying, did you hear a Code 25

16

before you heard Justin Cook crying?

17

A. Not that I recall, no, I

18

don't remember.

19

Q. Did you hear an emergency

20

buzzer of any kind coming from Room 423 before you

21

heard Justin Cook crying?

22

A. No, because I did see

23

Phyllis Trayner at the nursing station, if it would

24

be a 25 she would be in the room.

25

Q. Do you recall being interviewed

by Mr. McGee and Mr. Wiley the two Crown Attorneys?



1

2

A. Yes.

3

4

Q. Who were involved in the preliminary hearing with Miss Nelles, do you remember being interviewed by them?

5

6

A. Yes, I do.

7

8

Q. I am going to suggest to you that interview took place on November the 10th, 1981.

9

A. Right.

10

11

12

Q. Do you recall telling Mr. McGee and Mr. Wiley during the course of that -- I am sorry, if I can just finish this point, might I suggest we take our break.

13

14

THE COMMISSIONER: How long will we take the break for then?

15

MS. CRONK: I don't know, sir.

16

17

THE COMMISSIONER: What happens if nobody comes back.

18

19

20

MS. CRONK: Q. Mrs. Christie, you remember the interview of November the 10th, 1981 with Mr. McGee and Mr. Wiley?

21

22

A. Yes.

23

24

25

Q. Do you remember talking about Justin Cook during the course of that interview?

A. Well I remember I spoke to



1
2 them, but I don't know exactly what --

3 Q. I am going to suggest to
4 you, Mrs. Christie, that during the course of that
5 interview you told Mr. McGee and Mr. Wiley that
6 you fed Justin Cook at about 3 o'clock in the morning,
7 Saturday, March 21st, do you recall saying that?

8 A. Maybe I did.

9 Q. And if you did it conflicts
10 with what you said at the preliminary hearing,
11 doesn't it, at least by half an hour if not more.

12 A. Right.

13 Q. Because you said then it
14 was 2 or 2:30.

15 A. Yes.

16 Q. And you have told me today
17 that you think it was after 2, and I take it from
18 that that you think it was about 2 or 2:30?

19 A. Right.

20 Q. Is that right?

21 A. Right.

22 Q. Do I have it then that your
23 best recollection today is that when you heard
24 Justin Cook crying the Code 25 on Allana Miller
25 had not been called, and it was about 2 or after
2, around 2:30, somewhere in that half hour?



1

2

A. Right.

3

Q. Could it have been significantly

4

after 2:30, closer to 3 o'clock?

5

A. It could have, it could be.

6

Q. But you don't recall?

7

A. No, right.

8

Q. Do you remember as well

9

being interviewed by representatives of the

10

Metropolitan Toronto Police about a year to the

11

day almost after you were interviewed by Mr. McGee

12

and Mr. Wiley, you were interviewed on November

13

2nd, 1982 by representatives of the Metropolitan

Toronto Police Force?

14

A. Yes.

15

Q. Do you remember that?

16

A. I do.

17

Q. Just so we are clear about

18

the sequence, Mrs. Christie. You said in your notes,

19

which you made two weeks after Allana Miller and

20

Justin Cook died, that you heard Justin Cook crying

21

and fed him while Allana Miller was arresting, that

22

is what you said in your notes. We have looked at

it, Mrs. Christie, isn't that the language in the

notes?

23

A. I don't know, I don't remember.

24

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Q. I am sorry, perhaps I am confusing you, let's go back and take a look at the notes.

THE COMMISSIONER: I doubt if that is productive, Miss Cronk, it might be, there is no question that is what it says. I will accept it as what it says.

MS. CRONK: Thank you, sir.

Q. I am just going to suggest this to you, Mrs. Christie, so that you are clear about the timing, so that I stay clear for the moment. You made those notes about two weeks after Allana Miller and Justin Cook died, and we will leave the language there as it is for the moment. Then on November, in November of 1981 you were interviewed by Mr. McGee and Mr. Wiley, and you told them, I have suggested, that you fed Justin Cook at about 3 o'clock in the morning. Then you gave evidence -- I am going to try one more time, sir, then I am going to suggest we take our break.

THE COMMISSIONER: Yes, all right.

MS. CRONK: Q. You made your notes about two weeks after Miller and Cook died, right?

A. Yes.



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F.7

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Q You were then interviewed in November of 1981 by Mr. McGee and Mr. Wiley, that is before you testified at the preliminary hearing, right?

A Yes.

Q And you told them I have suggested that you thought this episode took place about 3 o'clock in the morning. Then later on, the end of January, 1982, some three months later, you testified at the preliminary hearing and your evidence then under oath was that you thought it took place at about 2 or 2:30, about that time, do you remember that?

A Yes.

Q Now I am suggesting to you that you were interviewed in November of 1982, some ten and a half months after you testified at the preliminary hearing, and the very same matter was dealt with again. I am going to suggest to you that you told the Metropolitan Toronto Police then that you heard Justin Cook crying and that you fed him at about 12 or 1 o'clock in the morning; do you remember saying that?

A I don't remember saying that, no.

Q Do you have any reason to think you didn't?



F.8

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2

A. And that would be wrong too.

3

4

Q. Well, answer my first question first. Do you have any reason to think you didn't say that?

5

6

THE COMMISSIONER: That is not a bad reason but it's not right.

7

8

THE WITNESS: That's right, it's not right.

9

10

MS. CRONK: Q. You don't think you did say it?

11

12

A. No, I don't think so, I did say that, no, must be a mistake, no, I didn't.

13

14

Q. Perhaps in due course we will hear from them.

15

16

17

18

MR. BROWN: Perhaps it is simply a matter of semantics here, I am not sure if the page Miss Cronk is referring to there is a reference that it was after 12 or 1 o'clock, anyway it was late. I am not sure there was a precision of the time.

19

20

21

22

MS. CRONK: I take it from what Mrs. Christie has said that she doesn't remember saying that in any event so we don't have to quarrel with which reference we are going to deal with.

23

24

25

THE COMMISSIONER: No. You see no one would remember precisely what they had said. I



F.9

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think what she is saying, and I don't take any sides in this matter at all, but what she is saying is that it did occur some time after 2 o'clock, not some time after 12.

6

THE WITNESS: Correct.

7

8

9

THE COMMISSIONER: And not some time after four or any other time, and before, this is once again, and before there was a Code 25 on Allana Miller, is that right?

10

11

12

13

THE WITNESS: I think Code 25 was maybe after when I was feeding, or maybe I was just feeding him and as soon as the Code was called - maybe it was like that, about that time.

14

15

16

THE COMMISSIONER: But you got permission from Phyllis Trayner at the nursing station, did you not?

17

18

19

20

21

22

THE WITNESS: I saw Phyllis Trayner at the nursing station, that is where she was standing and she was checking --

23

24

25

THE COMMISSIONER: Obviously if Phyllis Trayner was participating in the resuscitation of Allana Miller she couldn't have been doing that at the nursing station?

THE WITNESS: Correct.

THE COMMISSIONER: So it had to be before?



F.10

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2

THE WITNESS: Right.

3

4

THE COMMISSIONER: Or conceivably after,
but it certainly couldn't have been while this
resuscitation was going on?

5

6

THE WITNESS: No, it was before, right.

7

8

MS. CRONK: I think I should have
stopped, sir, when the bells rang for the fourth time.
Could we take our break now?

9

10

THE COMMISSIONER: Yes. All right,
we will take twenty minutes.

11

--- Short recess

12

--- On resuming:

13

THE COMMISSIONER: Miss Cronk.

14

MS. CRONK: Thank you, sir.

15

16

17

18

Q Mrs. Christie, you told us that
when you fed Justin Cook that night, it actually
would have been in the morning of Saturday, March 21st,
that Mrs. Trayner brought you in a bottle of milk as
I understand it, is that correct?

19

A Yes.

20

Q Did you see where Mrs. Trayner
got the bottle?

21

22

A No, I didn't see, no.

23

Q Were you in Room 418 with Justin
Cook when she brought the bottle in?

24

25



F.11

1

2

A. Right.

3

Q. Could you tell me again what

4

size of bottle it was?

5

A. It was a four-ounce bottle and

6

she put it in a small electric bottle warmer we had,

7

she just put it there and it was a four-ounce bottle.

8

Q. Where was the electric warmer?

9

A. Next to, on the sink, where the

sink is.

10

Q. In Room 418?

11

A. In Room 418.

12

Q. And she placed it in the warmer?

13

A. Right.

14

Q. And then did you take it out

and feed the child?

15

A. Right.

16

Q. What was Justin Cook's condition

17

that night after you fed him?

18

A. I fed him, he settled, he took

19

the formula and he settled down and he went back to

20

sleep.

21

Q. Was the bottle completely full,

was it a full four ounces?

22

A. Four ounces, right.

23

24

25



F.12

1

2

Q After you had fed Justin Cook
did you remain in the room?

4

A No, I settled him and I went
back to my room to the other patients to look after
my other patients.

5

6

7

Q And did you see Justin Cook
again that morning before you completed your shift
and went home?

8

9

A I don't remember, I don't know
if I did.

10

11

12

Q Could we return then to the
events early in the evening with respect to Allana
Miller. You told us that you saw her at approximately
10 o'clock because you heard the monitor going off,
do you remember that?

13

14

15

A Right.

16

17

Q And you described that incident
to us when you were in the room with Mrs. Trayner
checking the cardiac monitor?

18

19

A Right.

20

21

Q Now after that particular
incident did you see Allana Miller again before
midnight?

22

23

A Not before midnight, no.

24

25

Q Did you see Allana Miller again



F.13

1

2

after midnight before her arrest?

3

A. Yes, I did.

4

Q. Can you tell me please how that
came about?

5

6

A. It was about 1:30, the alarm
sounded again in that room and so I went into her room
to check what was wrong. When I went in Phyllis
Trayner was already - and Allana at one point started
to choke and to vomit, so Phyllis sat her up and I
spoke to Allana and Allana smiled, she gave us a
smile. Then she settled, but she didn't vomit, she
just been nauseated, she just wanted to vomit but she
didn't, no.

13

14

Q. And when you went into Allana
Miller's room you told us it was because you heard
the monitor going off?

15

16

A. Right.

17

18

Q. That I take it was the cardiac
monitor?

19

A. Right.

20

Q. You told us that Mrs. Trayner
was already there?

21

A. Right.

22

23

Q. Was there anyone else in the room?

24

A. No.

25



F.14

1

2

Q Other than Allana Miller?

3

A. Right.

4

Q What was Mrs. Trayner doing

5

when you entered the room?

6

A. She probably checked the monitor

7

again, because at that time Allana just started to

8

cough, she was coughing badly too, and she started to

9

cough and started to choke as well, so she just sat
her up.

10

Q When you entered the room was

11

Mrs. Trayner holding the baby or near the baby?

12

A. She probably entered the room

13

the same time as I did, she probably just came in the
same time I did.

14

Q I had understood you to say

15

that when you went into the room Mrs. Trayner was

16

already there.

17

A. Yes.

18

Q Do you remember going into the

19

room with Mrs. Trayner, or was she in the room when
you went in?

20

A. No, she was there already.

21

Q My point is this, when you

22

entered the room was Mrs. Trayner feeding the baby?

23

A. No.

24

25



F.15

1

2

Q. Was she administering any
medication of any kind?

4

A. No.

5

Q. Was she standing near the
intravenous line, or handling the buretrol in any way?

6

A. No.

7

8

Q. She was standing then near, I
take it, the cardiac monitor?

9

A. Right.

10

Q. She wasn't holding the baby?

11

A. No.

12

Q. How long were you in the room?

13

A. About two or three minutes.

14

Q. And during that time you told
us that Allana Miller smiled?

15

A. Right.

16

17

Q. Did she seem to be better then
from the choking episode before you left?

18

A. Yes, she settled, right.

19

20

Q. And you then left the room after
two or three minutes?

21

A. Right.

22

Q. Was Mrs. Trayner still in the
room then, or did she leave with you?

23

A. I think she left with me.

24

25



F.16

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Q And you have told me I believe you think this took place about 1:30 in the morning?

A. Right.

Q What is it, if anything, that helps you say it was 1:30 in the morning?

A. That is what I thought, that's what my recollection was around 1:30.

Q Do you recall where you were when you heard the monitor going off?

A. I think in Room 421.

Q What were you doing in there?

A. Probably feeding babies and taking signs.

Q Could I ask you to look at your personal notes again, the two pages of typewritten notes, and this time let's start at the bottom of page 1 when you are describing the events of Friday, March 20th. You say:

"I had been in Allana's room a few times because the cardiac monitor had been buzzing quite often. Shortly before the baby arrested Phyllis and I had been in the room. Baby Allana started choking and Phyllis sat her up and I started to talk to her and



F.17

1

2

"she gave us a smile. A half hour

3

later the baby arrested."

4

Do you see that?

5

A. Yes, I do.

6

Q. Now I can tell you, Mrs. Christie,

7

again from the medical record of this child that we

8

know that Allana Miller began to experience difficulties

9

at 1:45 in the morning, and Dr. Soulioti was with her

10

together with Miss Nelles at about 2:30 in the

11

morning, she administered some Lasix to the child and

12

then a Code 25 was called shortly thereafter. That

13

suggests that the formal Code 25, the calling of the

14

formal arrest, did not occur until shortly after 2:30

15

in the morning. Your notes suggest that this incident

16

when you and Mrs. Trayner were in Allana's room and

17

you sat the baby up and she smiled at you, she had

18

been choking, occurred about half an hour before the

19

child's arrest, is that right?

20

A. Right.

21

THE COMMISSIONER: You talk about

22

arrest, the arrest was at 2:30 did you say?

23

MS. CRONK: That's right, sir.

24

THE COMMISSIONER: Well, I'm sorry,

25

it's an hour before, isn't it, 1:30?

THE WITNESS: Right.



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MS. CRONK: I know, but the notes suggest --

THE COMMISSIONER: The notes suggest --

MS. CRONK: The notes suggest that the episode occurred half an hour before the baby arrested.

THE COMMISSIONER: Oh, yes. That is what the notes say.

MS. CRONK: That is what the notes say.

THE WITNESS: It probably should say one hour instead of half an hour. I probably didn't --

MS. CRONK: Q. My point is simply this, Mrs. Christie: do you remember how long it was after you were in the room with Mrs. Trayner and you saw Allana Miller smile that you heard the Code 25 being called? How much time passed between when you left the room and when you heard the Code 25 being called?

A. I couldn't say for sure, but I know that I had been in the room 21 taking signs and feeding babies, and that would take me some time too. I'm not sure. I couldn't say how long. Or what the time was.

Q. Do you still have Volume 7 there of your evidence at the preliminary hearing? It is to your left.



1

2

A. Yes, I do.

3

Q. I would ask you to turn to page

4

1537. Starting at 1536, Mrs. Christie, you are

5

describing the incident where you went in the room and

6

Mrs. Trayner was there and the baby smiled and

7

settled down. And then at the top of page 1537:

8

"Q. That was at 1:30 in the morning,

9

and where did you go after you left

10

Allana Miller's room?

11

A. I went to my room to 421 to look
after my patients.

12

Q. 421?

13

A. That's right.

14

Q. Did you see where Phyllis Trayner
went?

15

A. No. No.

16

Q. All right. What's the next thing
that occurred so far as Allana Miller is
concerned that you remember?

18

19

A. Later, about a half hour later,
about 2:00 or so it was a Code 25 for
Allana Miller.

20

21

Q. Code 25?

22

A. That's right. She arrested.

23

Q. All right. Now this Code 25, how
was that delivered or reported?

24

25

A. Well somebody calls the operator
and the operator announced that it's
25 for 4A and after that...



3

1

Q. Is this announced by the loudspeaker?

2

A. That's right, a loudspeaker.

3

Q. That's heard all over the hospital?

4

A. To all, yeah, all of the hospital.

5

Q. All right. And you say that was about two o'clock in the morning?

6

A. About - maybe after 2, maybe two-thirty or something like that.

7

Q. Two or two-thirty, all right..."

8

Now do you recall being asked those questions and giving those answers at the preliminary hearing, Mrs. Christie?

9

A. Right, I did.

10

Q. Do I take it from your evidence

11

here today and what you said at the preliminary hearing that you were not certain in your own mind whether or not it was a half hour or longer or shorter between the time when you left the room and when you heard the Code 25 being called?

12

13

14

15

THE COMMISSIONER: It has to be.

16

We know it has to be longer than a half hour, don't we?

17

18

MS. CRONK: Well, what I am trying to get at - I understand that, sir.

19

THE COMMISSIONER: Yes, all right.

20

Sorry.

21

MS. CRONK: What I am trying to get

22

at is whether Mrs. Christie with any degree of certainty places the incident a half hour before

23

24

25



4 1 she heard that Code 25.

2 THE COMMISSIONER: If you are question-
3 ing, which you may be, the whole occurrence - are you
4 questioning whether or not the episode with the monitor
5 and with Phyllis Trayner and this witness and the
6 baby took place at all? Because if you are doing that
7 then there would be some merit in it all. But if all we
8 are doing here is proving that she is perhaps not
9 too good at calculating time that passes from one
10 interval to another, but we know that the doctor was
11 there and I take it he arrived somewhere before -
12 actually before 2, did he not?

13 MS. CRONK: I'm sorry, there is no
14 indication it was before 2, sir.

15 THE COMMISSIONER: When did the doctor
16 arrive first?

17 MS. CRONK: There is no clear indica-
18 tion in the chart, but it is clear that Dr. Soulioti
19 was there in sufficient time to administer Lasix
20 to the baby at 2:40 in the morning.

21 THE COMMISSIONER: 2:40.

22 MS. CRONK: Which she did. And that
23 at 2:45 a Code 25 was called. The baby is in
24 difficulty at 1:45 in the morning, begins to gag
25 and vomit --



1
2 THE COMMISSIONER: Yes, was that the
3 time when the doctor - was the doctor not called in
4 then?

5 MS. CRONK: All I am suggesting to you,
6 sir, is that on the state of the progress notes in
7 the chart - we have not, of course, yet heard from
8 Ms. Nelles or Mrs. Trayner - but we don't know exactly
9 when Dr. Soulioti arrived in that room.

10 THE COMMISSIONER: Yes. All right.

11 MS. CRONK: But we do know she was
12 there at 2:40. My point is simply this, sir, and
13 if it is of no particular value at this stage I won't
14 pursue it further.

15 My point is this: Mrs. Christie has
16 said both in her personal note and in various state-
17 ments given to representatives of the Metropolitan
18 Toronto Police that Phyllis Trayner was in Allana
19 Miller's room with Mrs. Christie shortly before the
20 Code 25 was called. She has on various occasions
21 placed that at approximately a half hour before the
22 code was called. It seems to me, sir, it is important
23 for you to test whether or not Mrs. Christie's
24 recollection is firm on that basis.

25 THE COMMISSIONER: Well, it certainly
isn't firm from her evidence. She says half an hour



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and then an hour,

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Yes, Mr. Knazan, what were you going
to say?

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MR. KNAZAN: My problem is what we know
and what we don't know - we have heard evidence that
the progress notes are made at the end of the shift.
There is no reason to assume in the question to the
witness that the nurse who made the progress notes
4, 5, 6 hours later after lots of excitement knows
any better.

THE COMMISSIONER: Yes. Could I have
Allana Miller's chart, please?

MR. KNAZAN: I would suggest it is not fair
to ask the witness to make her recollection fit into
a set of facts which has not been determined.

THE COMMISSIONER: What my real concern
is, Ms. Cronk, I don't know where we are leading and
probably if I just waited and let you go I would
find out what it is all about, but if it is only to
establish that Mrs. Christie is not an exact time-
piece I am with you and I think she is too, because
she said between 2 and 2:30, but if there is some
other purpose then by all means carry on.

MS. CRONK: Well, sir, you might wish
to look while I am doing so at page 42 of Allana
Miller's chart.



1

2

THE COMMISSIONER: What page?

3

MS. CRONK: Page 42.

4

Q. Mrs. Christie, you recognize

5

I think now the problem, at least from my point of
view, my confusion, and I suggest to you, and I hope
it won't be necessary to go through the various
occasions, but by all means we can do that.

8

9

10

11

12

I suggest to you on a number of
occasions you have indicated that Phyllis Trayner was
with you in Allana Miller's room approximately one
half hour before the Code 25 was called on that child.
Is that fair?

13

A. She was with me at 1:30, that's
right.

14

15

16

Q. Well, I'm sorry. Could we do it
in two stages, and I recognize it is hard to remember
the times.

17

A. Yes.

18

19

20

21

22

Q. Am I right that on a number of
occasions you have said that Mrs. Trayner was in
Allana Miller's room with you about one half hour
before the arrest was called? Am I right in that?

23

A. That is what I said but it could
be later. It could be.

24

25

Q. That's my point.



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A. Yes.

3

4

Q. And I take it then you are not certain in your own mind that it was a half hour before the arrest was called. It could have been longer.

5

6

A. Right.

7

8

9

MS. CRONK: My suggestion, sir, based on the progress notes - that is what we have at the moment and the times recorded there - that it is likely that it was longer than half an hour.

10

11

THE COMMISSIONER: It is likely that it was longer?

12

MS. CRONK: Likely that it was longer.

13

14

15

16

THE COMMISSIONER: Yes, I think likely too, and I think Mrs. Christie has said that. She said that in the preliminary, didn't she? Maybe after 2, after 2:30 or something like that. So that she is not firmly fixed to the half hour.

17

18

MS. CRONK: No, and I think that has been clearly established now, sir, with your help.

19

THE COMMISSIONER: All right.

20

21

22

MS. CRONK: Q. Mrs. Christie, when you were in the room with Mrs. Trayner did you notice if Allana Miller had her intravenous line running?

23

24

25

A. I don't recall that. I couldn't



say for sure.

Q. Do you remember looking at the intravenous at all and noticing whether or not there was a sticker on the buretrol?

A. I don't recall that, no. Sorry.

Q. During the period of time that you were in the room with her you said it was just a few moments and that when you came in the room she was not feeding the child nor administering any medication to her.

At any time while you were still in the room I take it neither of those two things occurred: she wasn't fed and no medication was given to her.

A. Correct.

Q. At any time, Mrs. Christie, between 1:00 in the morning and 1:45 on the night that Allana Miller did you take and record her vital signs?

A. No, I did not take the vital signs at all, no.

Q. At no time that night?

A. At no time, no.

Q. Nor that morning, Saturday, March 21st?

A. Right. Neither.

Q. Could I ask you to turn - you



1
2 may have this in front of you - to the medical chart,
3 Exhibit 115, of Allana Miller.

4 A. 115?

5 Q. I'm sorry, page 36, Mrs. Christie.
6 Thank you.

7 A. I have it.

8 Q. You will see there, Mrs. Christie,
9 that this is the flow sheet for Allana Miller and I
10 direct your attention to the recording of the vital
11 signs that appears to have taken place at least in
12 part at 1:00 in the morning.

13 Do you see the entry for 1:00 in the
14 morning?

15 A. I do.

16 Q. At that time the child's blood
17 pressure was recorded as 90.

18 A. Right.

19 Q. And then immediately below that
20 with no time indication it is recorded as 92. Do you
21 see that?

22 A. Right. I do.

23 Q. The only sign recorded at that
24 time?

25 A. Right.

Q. And then at 1:45 the blood pressure



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is taken again as is the pulse and this time the
blood pressure is 98. Do you see that?

A. Yes.

Q. I am not sure if it is a 98; it
may be a 48.

Do I take it from what you have said,
Mrs. Christie, and perhaps the flow sheet will assist
you in some way in recalling the events, were any
of those vital signs taken by you?

A. No. None of them.

Q. Are either of the two blood
pressure entries at 1:00 and the one that is untimed
in your handwriting?

A. No. That is not my handwriting.

Q. I tell you, Mrs. Christie, that
at the preliminary hearing Mrs. Trayner has testified
that the blood pressure reading taken after 1:00 and
before 1:45 in the morning when it reads 92 is in
your handwriting, and that you were in Allana Miller's
room between 1 and 1:45 a.m.

I take it on what you have said you did
not take her vital signs and your recollection is
different in that respect from Mrs. Trayner's prior
evidence.

A. Correct. Yes.



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Q. You have told us, however, at least it is possible that her recollection with respect to your being in the room between 1 and 1:45 is correct because you have said at one point you think the incident when the child was sitting up and smiled could have occurred at 1:30.

A. Yes.

Q. So that is possible?

A. Possible.

Q. Do you recall, Mrs. Christie, apart from the time when you were in Allana Miller's room with Phyllis Trayner, going into her room alone at any time between 1:30 and the time of her Code 25?

A. No, I wasn't in that room.

Q. After the episode with Mrs. Trayner when the child sat up and smiled, were you back in Allana Miller's room at any time prior to the Code being called?

A. No, I was not.

Q. I take it then on the basis of what you have told us as you recall it you were in Allana Miller's room at approximately 10:00 in the evening?

A. Yes.

Q. You have told us about that. You



1
2 weren't back in the room again until this episode
3 with Mrs. Trayner when the baby was sat up and smiled
4 and you left after a few minutes. Those were the two
5 instances that you remember. Is that correct?

6 A. Correct.

7 THE COMMISSIONER: Yes. There might
8 have been other times might you have been in
9 because there was one point you did say that the
10 monitor kept going off?

11 THE WITNESS: Yes, but somebody else
12 attended.

13 THE COMMISSIONER: You just went on the
14 two occasions?

15 THE WITNESS: That is right. Correct,
16 yes.

17 MS. CRONK: Sir, you appreciate my
18 point.

19 Q. Could I ask you again to look at
20 your personal notes, two pages of typewritten notes,
21 Mrs. Christie?

22 A. Yes.

23 Q. At page 1, Mrs. Christie, at
24 the bottom --

25 A. Yes.

Q. "I had been in Allana's room a



1

2

few times because the cardiac monitor
had been buzzing quite often."

3

4

You then go on to describe the incident with Mrs.
Trayner when the baby smiled at you.

5

A. Yes.

6

7

Q. Does that help you recall in any
way whether you were in Allana Miller's room on another
occasion that night?

8

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A. No, I had only been twice. Like
few times means twice.

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Q. I am going to suggest to you, Mrs.
Christie, and I can show you the reference if you
need it, that at the preliminary hearing you suggested
that you were in Allana Miller's room several times
before the incident when you were there with Mrs.
Trayner and the child sat up and smiled. Do you
recall saying that?

17

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19

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A. I don't remember it, but I was
only two times in that room that I can recall.

21

22

23

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Q. You don't remember any other
occasion?

A. No.

Q. Is it possible, however, bearing
in mind now what you recorded in your personal notes
and what you said at the preliminary hearing, that you



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might have gone in on another occasion when you heard
her monitor buzzing just to check the child?

A. It's possible. Could be.

Q. But you don't remember doing so?

A. Right.

Q. At any time prior to her arrest,
Mrs. Christie, did you see or hear about anyone that
night suctioning the baby?

A. I think some nurse had been with
her later on, yes. Yes, some nurse had been with
her at some point after when I had been feeding some-
body in the room, but I don't recall exactly who.

Q. Do you know whether they were
suctioning the baby, or do you know?

A. I'm not sure. I don't know. I
don't recall.

Q. Did you observe anyone or did
you hear about anyone that night flushing the intra-
venous line on Allana Miller?

A. No. I haven't seen, no.

Q. At any point that night, Mrs.
Christie, prior to Allana Miller's arrest did you
feed her or administer any medication to her of any
kind?

A. No, I did not.



Christie
dr. ex. (Cronk)

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Q. And at no point prior to her arrest did you observe anyone else doing either of those two things?

A. No.

Q. You didn't see anyone else feeding her or giving her medication?

A. Neither, no.

Q. I would like to take you back to a point earlier in the evening, Mrs. Christie. We know that until 11:00 that night you had a patient in Room 418, and you have told us that you started to feed that baby at approximately 10 to 11 and you were still feeding the baby until about a quarter after 11. Do you recall telling us that?

A. Right.



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Q. All right. At any point that night, Mrs. Christie, whether in Room 418 or in any other room, did you see Mrs. Trayner checking a medication with Susan Nelles either by bringing in a syringe or bringing in a medication ticket of any kind. Did you see her checking a medication with Susan Nelles?

A. No, I did not.

Q. All right. We know, Mrs. Christie, that you had a number of patients that night. If you were required on your patients to take vital signs every six hours, just by way of an example, would you always do them at exactly the time that they were due to be given or could it be a few minutes before or a few minutes after but roughly the time when they were due?

A. No, not exactly, it could be a half hour either way.

Q. All right. And that would be true no matter what interval of time that you were required to take them?

A. Yes, it depends how many patients you have and what time you are supposed to take the signs. Sometimes you take them on some patients every four hours, which would be at 12, and



Christie, dr.ex.
(Cronk)

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if they are every six hours it would be at 2 o'clock and if you have more than one patient you can't take them all at the same time, so, you have to take them a little bit either before or after the time.

Q. Mrs. Christie, I am going to show you some extracts that the Commission has obtained from the medical charts for the patients that were assigned to you the night of Friday, March 20th.

A. Yes.

Q. And as well at the back there are two pages from the floor sheets of the charts of the patients that you were assigned to on Saturday evening. Sir, we have deleted the name of the relevant child but in the top left hand corner is the room number.

Mrs. Christie, the first few pages of the bundle of flow sheets apply to the children that you had on Friday, March 21st. We know that after 11 o'clock that night you had three patients in Room 425.

A. Yes.

Q. And you had two patients in Room 421; correct?

A. Correct.



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Q. All right. So that with the exception of the last two pages, all of the pages in this bundle relate to the children that you had the Friday night and we will see as it happens you had many of the same children the next night. But I am going to suggest to you, Mrs. Christie, and I would ask you to look at the flow sheet record, that on the Friday night the vital signs were required or at least recorded on each of the children that you had in Room 425 and 421 at approximately 2 o'clock?

A. Yes.

Q. Okay.

A. Right.

Q. Have you seen these before, would you like to look at them to make sure that that is so. You will be looking for March 21st and at 2:00 a.m. and my suggestion is that all of your patients that night had their signs taken, at least recorded as being taken, at 2 o'clock in the morning.

A. Yes, except one was at 5 o'clock, had to take an apex, otherwise, 2 o'clock, correct, yes.

Q. And before that am I correct that all of those five children had their signs



Christie, dr.ex.
(Cronk)

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recorded at 8 o'clock in the evening?

3

A. Right.

4

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Q. All right. So that it appears they were on six hour vital signs, they were taken at 8 and then taken at 2?

6

A. Right.

7

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11

Q. And you have told us that you could take your signs either a half hour before, you could start a half hour before or as much as a half hour after they were due to be recorded, is that right?

12

A. Yes.

13

14

15

Q. Can you tell me, perhaps you won't be able to do this, but can you tell me in approximate terms how long it would take to take the vital signs on five children?

16

A. Not very long.

17

Q. Not very long?

18

A. Just a couple of minutes, right.

19

20

21

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Q. All right. So, I take it then that inasmuch as you could start to take the signs a half hour before they were due to be taken, that all of these could have been taken before 2 o'clock or, alternatively, you could have been occupied



Christie, dr.ex.
(Cronk)

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with the taking of these signs at 2 o'clock in the
morning on March 21st?

3

4

A. Correct, yes.

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7

Q. Now, you have told us that
you did at some point later that night, the night
of Allana Miller's death, hear the Code 25 being
called?

8

A. Yes.

9

10

11

Q. Can you help me again where
you were when you heard the Code 25 actually being
called?

12

13

A. I had been in Room 421 feeding
babies at that time.

14

15

16

Q. And what did you do when you
heard the code?

17

18

A. I went out, I just went to
Allana Miller's room to see if any help was needed.

19

20

Q. All right. Did you go into
the room?

21

22

A. No, that's a small room, no,
not much room for me, no. No, I didn't go in, just
go in a little way.

23

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25

Q. And what was going on in the
room when you arrived?

A. There were some doctors there



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I believe, some nurses first and then doctors and they brought the emergency cart in and I think Susan Nelles and Phyllis Trayner started to resuscitate that baby.

Q. Did you at any time when you were standing at the door or around the room see anyone administering any medication to Allana?

A. I don't remember, I don't recall that.

Q. How long were you there in total at the door?

A. Not very long, maybe a couple of minutes.

Q. And then what did you do?

A. I went back to 21 to feed my babies.

Q. All right. Did you return to Room 423 at any point again before the child was pronounced dead?

A. No, I did not.

Q. After Allana's death, Mrs. Christie, do you recall any discussions amongst any of the doctors or nurses who were on the ward that night concerning her death?

A. No.



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Q. Do you remember seeing later
in the morning Mrs. Radojewski in the floor?

A. Yes, I did.

Q Can you tell me please what
time that would have been?

A. She came to work at 7:15.
She had the nursing office duties in the nursing
office, so, before she went to the nursing office
she came in to our floor and she had been talking
to Susan Nelles in the dirty utility room. I just
got some empty bottles to put them on the rack, so,
I overheard her saying that she would like to speak
to Sue Nelles after report was over.

Q. All right. Did you hear her
say why?

A. No. No, I did not.

Q. Did you hear her say anything
else to Ms. Nelles?

A. No, that's all.

Q. Did you hear Ms. Nelles'
response?

A. No.

Q. Was there anyone there other
than Mrs. Radojewski and Ms. Nelles?

A. No, only Ms. Nelles and Mrs.



1
2 Redojewski, only the two of them.

3 Q. All right. And later that
4 morning before you left the Hospital did you see
5 Ms. Nelles talking again with Mrs. Radowjewski?

6 A. No, I did not.

7 Q. Now, you have told us that
8 you don't recall any discussions amongst any of the
9 nurses or doctors that night concerning Allana
10 Miller's death. You do however remember Dr. Schaffer
11 being on the ward earlier in the evening, you told
12 us before midnight?

13 A. Right.

14 Q. Do you recall seeing Dr.
15 Schaffer on the ward again around the time of
16 Allana Miller's arrest and death?

17 A. Yes, I believe he was there.

18 Q. Did you personally have any
19 discussion with him concerning Allana Miller or did
20 you overhear any discussions with Dr. Schaffer
21 concerning that child after she had been pronounced
22 dead?

23 A. No, I didn't hear anything,
24 no.

25 Q. Did anyone on the wards of
which you were made aware suggest at that time, that



1
2 is, after Allana had died, that digoxin may have
3 contributed or been involved in any way in her
4 death?

5 A. No, I didn't hear that, no.

6 Q. Do you recall, Mrs. Christie,
7 whether there were any discussions that morning of
8 which you were aware as to whether or not her death
9 should be reported to the Coroner?

10 A. No, I didn't, I didn't hear
11 that, no.

12 Q. Did you see Dr. Fowler on the
13 ward that morning?

14 A. Not that morning, no.

15 Q. Do you recall again being
16 interviewed by Mr. McGee and Mr. Wiley on November
17 10th, 1981 with respect to Allana Miller?

18 A. Right.

19 Q. And if I suggested to you
20 that you are recorded in the typewritten version
21 of that meeting that has been provided to us as
22 having told Mr. McGee and Mr. Wiley that Dr. Fowler
23 wanted the Coroner after Miller died. Do you recall
24 having said that?

25 A. I don't remember I said that,
no.



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Q. Do you have any information

3

that was available to you before you left the ward

4

that night to suggest that there were discussions

5

about involving the Coroner with Allana Miller's

6

death?

7

A. No, not at all, no.

8

Q. And at any time after Allana

9

Miller had been pronounced dead did you have an

10

opportunity or did you discuss her death with Dr.

11

Fowler or any of the other physicians on the ward?

12

A. No, I didn't.

13

Q. Can we turn then to the events

14

of Saturday night. We know that you worked the

15

long night 12 hour shift that night as well, do I

16

have that correctly?

17

A. Correct, yes.

18

Q. And you should still have

19

Exhibit 32A before you. Could I ask you to turn

20

again to Tab 13, page 179. It is the second last

21

page under that Tab, Mrs. Christie?

22

A. Yes.

23

Q. Do you have that?

24

A. Yes.

25

Q. According to the assignment

book, Mrs. Christie, you had three patients in Room



1
2 425 that night, one patient in Room 418, and two
3 in Room 421, is that correct?

4 A. Correct, yes.

5 Q. Ms. Nelles was working that
6 night and she had Justin Cook in Room 418?

7 A. Correct, yes.

8 Q. Mrs. Trayner was working and
9 was the nurse in charge and she had I think, is that
one or four in 426?

10 A. One, it would be just one,
11 yes.

12 Q. And Miss Brownless was working
13 and had four patients in Room 418?

14 A. Correct, yes.

15 Q. On the basis of the assignment
16 book entries, Mrs. Christie, I take it then that
17 there were three nurses, including yourself, who
18 had patients in Room 418 that night: Miss Nelles,
Mrs. Christie and Miss Brownless?

19 A. Right, yes.

20 Q. Were you aware of the fact
21 that Justin Cook was in constant nursing care that
night?

22 A. Yes.

23 Q. Did you know that at the time?
24
25



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2

A. Oh, yes.

3

Q. That night?

4

A. Yes.

5

Q. When you took report that

6

night, Mrs. Christie, did you also review the
various cardex cards of your children?

7

A. Yes.

8

Q. All right. Did you make any

9

notes as a reference aid concerning what was to be
done for your children, your patients that night?

10

11

A. Yes, I did.

12

Q. Was that something that you

13

commonly did, Mrs. Christie?

14

A. Every day.

15

Q. Every day?

16

A. Yes.

17

Q. I am showing to you, Mrs.

18

Christie, one page of handwritten notes with hand-
writing on the back and the front. I would ask you

19

if those were the notes that you made the night of

20

March 21st after taking report concerning the

21

treatment that was to be given to your patients that
night?

22

A. Yes, that's right.

23

Q. All right. Could that be

24

25



Christie, dr.ex.
(Cronk)

1
2 marked, sir, as the next exhibit?

3 Ms. Fineberg reminds me that the
4 flow sheets were not marked as an exhibit, sir.

5 THE COMMISSIONER: No, they weren't.

6 MS. CRONK: Could we mark them now,
7 sir?

8 THE COMMISSIONER: The flow sheets will
9 be Exhibit 387.

10 ---EXHIBIT NO. 387: Flow sheets applying to the
11 children that Mrs. Christie had
12 on Friday, March 21st.

13 THE COMMISSIONER: And this one, that's
14 notes of Mrs. Christie. Was this taken on the ...

15 MS. CRONK: The night of March 21st,
16 sir.

17 THE COMMISSIONER: On the turnover?

18 MS. CRONK: That's right, sir.

19 THE WITNESS: I wonder you can read
20 it, my writing.

21 THE COMMISSIONER: And that will be
22 388.

23 ---EXHIBIT NO. 388: Handwritten notes by Mrs.
24 Christie - 21/3/81.

25 MS. CRONK: Q. Thank you. Mrs.
Christie, you have told me that you always or normally
made notes of this kind and I take it that would be



1

2

true whether you were working the night shift or
the day shift?

3

4

A. Correct.

5

6

Q. Can you tell me please when
you found that you still had in your possession the
original of these notes?

7

8

A. I just found those notes about
two months ago.

9

10

Q. Where did you find them?

A. At home.

11

12

Q. Can you tell me please why
you kept them after all this time?

13

14

A. I just don't know how I kept
them but I just found them two months ago.

15

16

Q. Was there any particular reason
why you kept them?

17

18

19

A. No, not really, no.

20

21

22

Q. Have you been able to find,
Mrs. Christie, any of the notes that you made for
the nights when other children died starting for
example the night Allana Miller died?

23

24

25

A. No.

Q. Have you looked for them at
my request?

A. I did, I couldn't find them,



no.

Q. Did the notes help you, Mrs. Christie, and I confess I have had great difficulty in reading them but they may be of assistance to you in recalling what the condition of your patients were at the start of your shift on the Saturday night.

A. Right.

Q. Could we start please with your patients in Room 425. How would you describe in general terms, that's all I want, in general terms their condition, Mrs. Christie?

A. Those children, they had been pretty stable, they had been a few days after surgery and the signs had to be taken only every six hours.

Q. And were those children the ones that you described to us earlier from the Friday night, that is, they were between four and five years of age, three boys?

A. It's the same patients.

Q. Same ones as you had Friday night?

A. Right.

Q. And what about the two patients



1
2 that you had in Room 421, how would you generally
3 describe their condition?

4 A. Well, one patient just came
5 from ICU, that was Amber Cain, she was a transfer
6 from ICU that night when I came that afternoon.

7 MR. ROLAND: Sir, I wonder if the
8 witness could be, and I am sure Ms. Cronk is conscious
9 of this that unless it is absolutely necessary the
10 names not be referred to.

11 THE COMMISSIONER: I was wondering about
12 that when we made it an exhibit.

13 MR. ROLAND: It has been made an exhibit
14 and I am not particularly troubled about that as long
15 as where it is not necessary the name isn't referred
16 to in oral testimony.

17 MS. CRONK: I have no objection to
18 that, sir. If Mrs. Christie can describe the
19 condition of the children without referring to their
20 names, I don't think anything turns on it.

21 THE COMMISSIONER: Yes, all right.

22 MS. CRONK: I should tell you for
23 the record of course that, and I am very sensitive
24 to the problem that Mr. Roland mentions, that many
25 of these children were discussed at some length,
particularly the one in Room 418 at the preliminary



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hearing but for the purposes of our hearings would

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it be satisfactory, sir, if we simply asked Mrs.

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Christie to not refer to the names of the children if

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at all possible.

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THE COMMISSIONER: No, if we can avoid

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that, let's do it.

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THE COMMISSIONER: Where are we heading with all of this evidence, can you help me?

MS. CRONK: Sir, I am going to ask Mrs. Christie to outline for us her various attendances in Room 418.

THE COMMISSIONER: Yes?

MS. CRONK: And it seems to me, sir, that knowing what the condition of that child was and her other children it will help you in the context of knowing how much time during the course of that evening she spent in Room 418, which of course is where Justin Cook was that night.

THE COMMISSIONER: Yes.

MS. CRONK: Q. Mrs. Christie, you told us you had two patients in Room 421, one was a transfer from the Intensive Care Unit and the other I take it was not?

A. Right.

Q. And was the one from the Intensive Care Unit as a recent transfer therefore in need of rather close monitoring that night?

A. Yes.

Q. And we know you had one patient in Room 418; and again we aren't naming the particular child; can you tell me please in general terms what



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his or her condition was that night?

3

A. That child required quite a lot
4 of nursing care too.

4

5

Q. Was there a particular reason
6 for that?

6

7

A. That was a 10-days old baby
8 and before he was on 7G, and after surgery he came to
9 our floor he was in the Isolette on the cardiac monitor
10 and I had to take his vital signs every two hours. He
11 had also NG tube feeding, and he was fed every three
12 hours either NG or peros, but I tried to feed him by
13 mouth.

12

13

Q. By "peros" you mean orally?

14

A. Right.

15

Q. The child then I take it was
16 quite ill?

16

A. Yes, quite.

17

Q. He was not on shared nursing
18 care or constant nursing care however that night,
19 otherwise you would not have been assigned to him, is
20 that fair?

20

21

A. Well, later I did find out that
22 that child was on child care in ICU before he came
23 back.

23

24

Q. But not on Ward 4A?

25



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A. Not on Ward 4A, correct.

3

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Q. You have told us he was on a nasogastric tube to try to feed him orally, was he a slow or a fast feeder?

5

6

A. A very slow feeder.

7

8

Q. At any time that night did you feed him by using the nasogastric tube?

9

10

A. No.

11

Q. All your feedings then were done orally?

12

A. Orally, yes.

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Q. I would ask you again to look at the flow sheets that we have marked, Mrs. Christie, this is Exhibit 387. I am going to ask you to turn to the second last page of the flow sheets which applies to this patient in Room 418. It appears that you took, dealing with the night of March 21st and the early morning of Sunday, March 22nd, it appears that you took his vital signs at 8 p.m. and again at 12 midnight? I am sorry, have you found it?

A. No.

THE COMMISSIONER: Took the vital signs at eight?

THE WITNESS: Which --

THE COMMISSIONER: Also some vital



I.4

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signs, blood pressure --

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MS. CRONK: I am coming to that, sir.

4

THE COMMISSIONER: Oh, I am sorry.

5

MS. CRONK: Q. It is the second last page, and that is the patient in Room 418 that I am talking about.

7

A. Right.

8

9

Q. And I am going to suggest you took his full vital signs at 8 o'clock and again at 12 midnight, and again at 4 a.m., is that correct?

10

11

A. Correct.

12

Q. Every four hours?

13

A. Right.

14

15

Q. And as well, as the Commissioner points out, you took his blood pressure at 8 o'clock, 10 o'clock, 12 midnight, 2 a.m. and 4 a.m.?

16

A. Right.

17

18

Q. Did anyone else at any time that night take the vital signs of this child for you in your place?

19

20

A. No.

21

22

Q. Did anyone this night take his blood pressure in your place, or did you take his blood pressure when it was required to be taken?

23

24

A. I took it.

25



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Q And his blood pressure it appears was required to be taken every two hours and you did that from 8 o'clock until 4 in the morning?

A Yes.

Q And again I take it you would have been in Room 418 necessarily at approximately those times, either to record the vital signs or to take his blood pressure?

A Right.

Q Now, can you tell me from your recollection, Mrs. Christie, or from reference to the notes that you made to help you that night, what time you fed this child when he was required to be fed on the night of March 21st and the morning of March 22nd?

A He was fed every three hours and I fed him the first time at 10 o'clock. He was fed at 7 before I came and he was fed by NG tube at that time, but I fed him at 10 o'clock and orally.

Q I am sorry?

A I said I fed him at 10 o'clock and orally, orally by mouth.

Q Oh, I am sorry, orally, yes, and he was required to be fed every three hours?

A Correct.

Q That would mean he was to be



I.6

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fed then at 1 o'clock in the morning?

3

A. Yes.

4

Q. 4 o'clock in the morning?

5

A. Yes.

6

Q. And again at 7?

7

A. Yes.

8

Q. Can you tell me did anyone else feed this child for you at any time during that night shift in your place?

9

A. No.

10

Q. On the basis then of the vital signs record, and on the feedings that you had to do for this child, would it be fair of me to suggest that you were in Room 418 regularly throughout the entire shift on March 21st and the early morning of March 22nd?

11

A. Yes, I was in and out, and every hour I checked the temperature of the isolette.

12

Q. And the patient in Room 418 you have told us was both on a cardiac monitor and an isolette?

13

A. Right.

14

Q. Are you saying that quite apart from taking that patient's vital signs, or his blood pressure, you, every hour on the hour checked his

15

16



I.7

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isolette temperature as well?

3

A. Correct.

4

Q. At the start of the shift, and

5

after you had taken report that evening, did you go

6

into Room 418 in the course of your normal practice

7

starting with the youngest of the infants in that

8

room?

A. Yes.

9

Q. Was Susan Nelles there with

10

Justin Cook at that time?

11

A. Yes.

12

Q. Did you notice at that time any-

13

thing, or make any observations about Justin Cook's

14

condition, what was he doing, what was going on with

Justin Cook when you went in the room?

15

A. I think he was sleeping. He

16

was in his crib, I believe he was asleep.

17

Q. Did you, Mrs. Christie, when

18

you first went into the room that night, or at any

19

point after that before Justin Cook's arrest, notice

20

anything taped to his bed?

21

A. I didn't notice, no, I didn't

notice that.

22

Q. Did you at any point,

23

whether it was at the start of the shift or later on

24

25



I.8

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before his arrest notice any medications by his bedside, be it on a bedside table or a tray by the bedside?

4

5

A. I didn't notice anything, no.

6

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8

9

Q. And I take it that you were in the room at 8 o'clock to take vital signs on your patient in Room 418, to take his blood pressure; and were you back in the room again prior to 10 o'clock when you were scheduled to feed the child?

10

11

A. Yes, I checked the Isolette temperature at 9 o'clock again.

12

13

Q. And who was in the room then?

A. Janet Brownless and Sue Nelles.

14

15

16

Q. Did Justin Cook appear to be in any difficulty at that time?

A. Not that I can remember, no, what I can recall, no.

17

18

Q. Then did you return to Room 418 to feed your child at 10 o'clock?

19

20

A. Right.

Q. How long did it take you to feed the child?

21

22

A. About an hour.

23

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Q. Again he was a slow feeder?

A. A very slow feeder, yes.



I.9

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Q Do you recall when you actually started to feed him, was it at 10 o'clock or thereabouts?

A Well, probably after 10, first since I had to feed him maybe I took the vital signs. No, at 10 o'clock, no, that's right, I didn't take signs, only blood pressure, yes, that's right, I took his blood pressure and fed him right away, that would be about 10 o'clock.

Q And during the course of that one hour when you fed the child who was in Room 418 with you?

A Susan Nelles would be in there, and I am not sure if Brownless was there too.

Q Was Miss Nelles there for the entire hour when you were feeding the child?

A Yes, she was there.

Q She was certainly there at the beginning?

A Right.

Q At the starting of the feeding when you went in the room?

A Right.

Q And your recollection is she was there for the entire hour?



I.10

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A. Not for the entire hour, I been still feeding and finishing my baby and so she left for her break with Brownless.

Q. Well, let's deal with it in two parts. During the time you were feeding the child and Miss Nelles was in the room --

A. Yes.

Q. -- did anyone else come into the room?

A. I'm not sure, I can't recall.

Q. And during the time that you were feeding the child you told us that you think it took approximately an hour?

A. Right.

Q. Is it possible Mrs. Christie that it was five, ten, fifteen minutes shorter than that, or five, ten, fifteen minutes longer?

A. It's possible, yes.

Q. 45 minutes I suggest would be a lengthy time to feed the child, you could have fed him in that period of time?

A. I don't think so, I probably fed him longer than that.

Q. Closer to an hour, you think?

A. Yes.



I.11

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Q. When you say Miss Nelles left the room before you finished feeding the child, do you remember how long it was before you finished feeding the child that she left the room on her break?

A. Maybe ten minutes or so.

Q. And if it took you approximately an hour to feed your child she would have left then at about quarter to or ten to eleven?

A. No, I think she left after eleven.

Q. I am sorry, I thought you told me that she left the room while you were still feeding your child?

A. Right, but I think it was after eleven, it must be by that time about eleven.

Q. Are you still saying you were still feeding your child at 11 o'clock?

A. Maybe I was just finishing, or maybe I was still feeding him, could be.

Q. I understand it is possible, but do you remember?

A. Not exactly, no, no recollection exactly.

Q. Is it your recollection then, and perhaps I am now confused; is it your recollection



I.12

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that Miss Nelles left the room for her break while you were still feeding that child?

A. It's possible, could be.

Q. All I am suggesting to you, Mrs. Christie, is that if you completed the feeding of your child at around 11 o'clock, or shortly after that, and Miss Nelles, while you were still feeding the child, she left some time before 11 or shortly after 11 on her break, isn't that so on what you have told us?

A. Right, yes.

Q. And she left with Janet Brownless?

A. Yes, she did.

Q. Do you know where they took their break?

A. At the nursing station.

Q. Did anyone relieve Miss Nelles when she took her break?

A. Yes, Phyllis Trayner been staying in that room with Justin Cook.

Q. Did Mrs. Trayner come into the room while you were still there still feeding your child?

A. Right.



I.13

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Q. How long were you in the room with Mrs. Trayner before you left Room 418?

A. Just a few minutes, not very long, maybe five minutes, something like that.

Q. Did you finish your feeding and then leave?

A. Finished feeding, changed my patient, settled him and left.

Q. Was there anyone else in the room with Mrs. Trayner other than the patients when you left?

A. No, not in there.

Q. Where did you go when you left?

A. I went on my break too at the nursing station. First I checked my patients in 421 and 425 before I went for my break and then I went for my break.

Q. How long were you on your break?

A. Would be about an hour.

Q. Do you recall how long it was, this was your first break of the night, was it not?

A. Yes.

Q. Did you take an hour for your first coffee break?

A. Usually I don't take, usually



I.14

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I take half an hour, but that particular time according to my work schedule I took, I probably took an hour.

5

6

Q Do you remember who was at the nursing station when you arrived?

7

8

A Sue Nelles been there, Ms. Brownless was there and Bertha Bell was there, 5B nurses.

9

10

11

Q 5B?

A I'm sorry, 4B nurses, and that's all I can remember.

12

13

Q Do you remember who the other 4B nurses were who were there?

14

15

A I think Bertha Bell was there, and Mrs. Whittingham, and Halpenny and Miss Reaper.

16

17

Q Miss Reaper?

A Yes.

18

19

Q When did you finish your break and leave the nursing station, Mrs. Christie?

20

21

22

23

24

25

A I finished my break after 12 o'clock. I remember it was Mrs. Johnstone, my supervisor, came to our floor and it was after 12 o'clock. I spoke with her for a little while and she mentioned, we been talking about the patient and she mentioned that particular patient I had from - can



I.15

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I say the name?

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Q No, can you tell us what room
you are talking about?

5

6

A In 418, in the Isolette that
particular baby was on shared care in ICU.

7

Q That is how you found out he
had been on shared nursing care?

8

A That's right.

9

10

Q Do you recall how long after
midnight it was when you left the nursing station
having finished your break?

11

12

A Probably ten after twelve or
something like that.

13

14

Q And was Miss Nelles still at
the nursing station when you left, or had she already
left?

15

16

A She left shortly before, she
and Brownless left, yes.

17

18

Q Do you recall how long it was
before you left that Miss Nelles and Miss Brownless
had left?

19

20

A I don't remember exactly.

21

22

Q What did you do when you left
the nursing station at the end of your break, where
did you go?

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I.16

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A. When I left the nursing station
I went to 418 to take my signs on that baby.

Q And that baby's signs were due
to be taken, as was his blood pressure, again at midnight?

A. Right, all other signs as well
as blood pressure.

Q Well, who was in Room 418 when
you arrived at approximately ten after midnight?

A. Phyllis Trayner was still
there and Mrs. Johnstone came to that room to talk
to Phyllis.

Q Was there anyone else there
other than Mrs. Johnstone and Mrs. Trayner?

A. Not that I can recall, not at
that time.

Q Susan Nelles was not there?

A. I think I heard somebody
mention she wanted to buy a newspaper.

Q Well, whether she wanted to buy
a newspaper or not she was not I take it in Room 418
when you went back.

A. No.

Q Was Mrs. Johnstone in the room
with Mrs. Trayner when you got back?

A. Yes.



I.17

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Q Or did she come later?

3

A. She come later, she came later,

4

first she had been talking to Bertha and then she came
later to that room.

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J
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Q. So that Mrs. Trayner was the only nurse in the room when you arrived back?

A. Right.

Q. What was she doing when you were in the room?

A. She had been sitting but maybe watching TV, I am not quite sure.

Q. Do you remember whether the TV was on?

A. I believe it was on, yes, but I can't say for sure.

Q. Did you take your patient's vital signs and blood pressure while you were there?

A. Right.

Q. How long were you in the room?

A. I had been in that room maybe ten minutes.

Q. All right. Where did you go when you left?

A. After that I went to Room 421. I had some patients there which I had to take signs and feed them as well.

Q. During the ten minutes or so that you were in Room 418 did anyone else come into the room other than Mrs. Johnstone?



1
2
3 A. I think Bertha Bell came in that
4 room, but I am not exactly sure what time she had been
5 in that room but she was in the room. I couldn't
6 say what time.

7 Q. All right. Did Miss Nelles
8 return to Room 418 while you were still there taking
9 your patient's vital signs and blood pressure?

10 A. I don't believe I saw her at that
11 time when I took signs in 18. I don't remember.
12 I don't think so. I am not quite sure.

13 Q. Did Miss Brownless come into the
14 room again during that 10 minutes that you were there?

15 A. I am not certain. I can't say
16 one way or the other.

17 Q. All right. Well, during the 10
18 minutes that you were there, Mrs. Christie, as I under-
19 stand it you told me you remember Mrs. Trayner being
20 there and you remember Mrs. Johnstone coming in as
21 well?

22 A. Yes.

23 Q. Did you during that ten minutes
24 see either of those two women feeding Justin Cook or
25 administering to him any medication of any kind?

A. No, I haven't seen anybody.

MS. CRONK: Mr. Registrar, could you show



1
2 Mrs. Christie, please, Justin Cook's medical chart
3 which is Exhibit 116, I believe.

4 Q. Do you have it?

5 A. Yes.

6 Q. May I ask you to turn to page
7 17, please, Mrs. Christie?

8 A. Yes.

9 Q. Do you see, Mrs. Christie, accord-
10 ing to the medication and treatment record for
11 Justin Cook that a dose of Inderal or propranalol
12 is recorded as having been given at midnight and it
13 is signed off by Ms. Nelles. Do you see that?

14 A. That's at 2:00; not midnight.

15 Q. I'm sorry, 2400 hours on the
16 21st of March. Page 17.

17 A. That is 2:00.

18 Q. If you look immediately below
19 to the 21st of March.

20 A. Yes.

21 Q. Do you see there 2400 hours,
22 a dose of propranalol signed off as having been
23 given by Susan Nelles?

24 A. Right. Yes.

25 Q. And I take it from what you have
told us you did not see that medication being given by



1
2 Miss Nelles or indeed any medication being given to
3 Justin Cook at any point up until about 20 after 12
4 when you left his room. Is that right?

5 A. Right.

6 Q. Is that right?

7 A. Right.

8 Q. Any time after having left Justin
9 Cook's room - that is right, having left Room 418 -
10 until about 1:00 in the morning, did you return to
11 Room 418 again for any reason?

12 A. At 1:00 I would return to check
13 isolette temperature, yes.

14 Q. I am going to come to 1:00. But
15 at any time from about 20 after 12 when you left until
16 1:00 did you return again for any reason to Room 418?

17 A. No.

18 Q. Before 1:00?

19 A. No. I had been busy in 21.
20 No, I wouldn't.

21 Q. All right. And you just said a
22 moment ago that at 1:00 you would have gone back to
23 check the isolette?

24 A. Right.

25 Q. Were you not also required to
feed your child in that room at 1:00 in the morning?



1

2

A. Right.

3

Q. Do you recall now when you started

4

that feeding?

5

A. About 1:00, yes.

6

Q. All right. Who was in the room

7

when you arrived to start to feed that child?

8

A. I think Sue Nelles been back and

9

she was there and also Janet Brownless I believe.

10

I can't say for sure.

11

Q. How long did it take you this

time to feed your patient in Room 418?

12

A. Maybe a little bit less. Maybe

13

half an hour, three-quarters of an hour.

14

Q. Well, do you recall it specifically?

15

A. Yes.

16

Q. Do you think it was about a

half an hour or three-quarters of an hour?

17

A. Right.

18

Q. During that period of time did

19

you notice any difficulty which arose with Justin

20

Cook? What was his condition during that half hour

21

to 45 minutes?

A. He was sleeping at that time.

22

Q. What was Miss Nelles doing?

23

A. She was sitting next to his bed.

24

25



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Q. Was she there the entire time that
you fed your child in Room 418?

4

A. Yes.

5

Q. Was she still there when you
left?

6

A. Yes.

7

8

Q. Did anyone else come in the room
other than possibly Miss Brownless during that 30 to
45 minutes?

9

10

11

A. I think probably Bertha Bell
came at that time. I am not sure exactly when she came
to that room too.

12

13

14

Q. You are not sure if it was
during that 30 to 45 minutes that you know she was
in the room?

15

A. Right.

16

17

Q. Did Mrs. Trayner come to the room
at all during that 30 to 45 minutes?

18

A. No.

19

Q. What did you do when you left
Room 418?

20

A. When I left Room 418 --

21

22

Q. This would have been now about
1:30, quarter to 2 in the morning.

23

A. Right. I would go to take the

24

25



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1
2 signs on my baby in 21 which one baby was every four, but
3 the other one every six hours, so I would feed that
4 baby and I would also take signs in Room 425 which had
5 been on six hours.

6 Q. The signs we know on the patients
7 in Room 425 were due at 2:00?

8 A. Yes.

9 Q. So if you left Room 418 at
10 about 1:30 or quarter to 2 you went you think to Room
11 421 first and then to Room 425?

12 A. Correct.

13 Q. Were you not required as well to
14 take the blood pressure on your patient in Room 418
15 at approximately 2 in the morning?

16 A. Also, yes.

17 Q. And do you recall when you took
18 that?

19 A. Yes, at 2:00.

20 Q. So you went back into Room 418
21 to do that?

22 A. Right.

23 Q. Who was in the room then?

24 A. I think Susan Nelles been there
25 and Brownless.

Q. Do you remember what Miss Nelles



1
2 was doing when you went in to take the blood pressure
3 on your patient?

4 A. She had been still sitting next
5 to Justin Cook.

6 Q. Was Justin Cook still sleeping?

7 A. As far as I can remember, yes.

8 Q. How long were you in the room
9 this time?

10 A. Not very long. Just to take
11 the blood pressure which wouldn't take me too long.

12 Q. Just a minute or two?

13 A. About two or three. Something
14 like that. If he needs to be changed maybe I changed
15 him, but that's all. But that doesn't take long.

16 Q. Do you remember whether or not
17 the TV in Room 418 was on when you were in the room
18 at 2:00 to take his blood pressure?

19 A. I don't recall. I don't remember.

20 Q. One way or the other?

21 A. Right.

22 Q. Do you remember whether or not
23 Mrs. Bell was in the room during that two or three
24 minutes when you were there?

25 A. I don't remember one way or the
other. I don't know.



1
2 Q. Do you recall seeing Mrs. Trayner
3 there at that time?

4 A. No, not at that time.

5 Q. What did you do when you left the
6 room?

7 A. When I left that room I would go
8 to Room 21 and feed the baby in that room or my
9 babies probably because there being two babies in that
10 room so I would go and feed them.

11 Q. I am going to suggest to you that
12 according to the flow sheets you were as well required
13 to take the vital signs on one of your patients in
14 Room 421 at approximately 2:00.

15 A. Yes.

16 Q. That is right?

17 A. Yes.

18 Q. Do you recall you did that
19 after you left Room 418?

20 A. Yes.

21 Q. Now we know, Mrs. Christie, from
22 the flow sheet and from the feeding times that you
23 have described to us that technically you were not
24 required to go back into Room 418 to take care of your
25 patients in that room again until 4:00 in the morning
when he was due to be fed.



10

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A. Yes.

3

Q. And his vital signs were due then
too.

4

A. Right.

5

6

Q. Did you after 2:00, between 2
and 3 in the morning, go back into Room 418?

7

8

A. Yes, I went at 3:00 to check
isolette temperature.

9

10

MS. CRONK: Can we stop there for a
moment - well, indeed, sir, could we stop there?

11

12

THE COMMISSIONER: Yes. We will take
our lunch break now until 2:15.

13

MS. CRONK: Thank you.

14

15

MR. BROWN: Mr. Commissioner, perhaps
we could have some indication from commission counsel
as to how much longer she will be.

16

17

MS. CRONK: I think I will be about
an hour. 45 minutes to an hour.

18

19

MR. BROWN: And as well Mr. Knazan said
about an hour?

20

MR. KNAZAN: Less, probably.

21

THE COMMISSIONER: What do you think?

22

23

MR. BROWN: Well, it may well be -
Mr. Rosenberg has asked to precede me and I have no
objection to that.

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THE COMMISSIONER: How long will you
be, Mr. Rosenberg?

MR. ROSENBERG: Maybe 20 minutes I
would think.

THE COMMISSIONER: Yes. I take it -
you want to go on today, do you?

MR. ROSENBERG: Yes. As you know, I
have to go out of town - I will be out of town next
week.

THE COMMISSIONER: You will be?

MR. ROSENBERG: Out of town next week.

THE COMMISSIONER: Well, that still
gives us enough time, doesn't it?

MS. CRONK: It is a little tight, sir.

THE COMMISSIONER: Well, we could stay
a little late.

MS. CRONK: Fine.

THE COMMISSIONER: Well, we can come
back - I will take a vote on it whether we come back -
how many want to come back at 2:00?

MR. PERCIVAL: I am just trying to
understand, are we trying to finish the witness today?

THE COMMISSIONER: No, we are trying
to finish Mr. Rosenberg.

MR. PERCIVAL: Oh, I understand.



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THE COMMISSIONER: And what we are going to do - these words aren't too elegantly put - but finish Ms. Cronk, Mr. Knazan and Mr. Rosenberg and we will get rid of them, and then the important people will come on some time next week.

MS. CRONK: Could I suggest, sir, we sit late if necessary?

THE COMMISSIONER: I take it the vote is against 2:00 is it? 2:15. Yes, all right.

---Afternoon recess.



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BB/cr

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---On resuming at 2:15.

THE COMMISSIONER: Yes, Miss Cronk.

MS. CRONK: Thank you, sir.

Q. Mrs. Christie, you will recall that before the luncheon break you had told us that at about 2 o'clock in the morning when you left Room 418, this is on Saturday March 21st, actually now Sunday morning, March 22nd, you left Room 418 and you went to Room 421 to feed your children, do you remember saying that, your patients in that room?

A. Yes.

Q. How long did it take you to feed the two children, the two patients that you had in Room 421?

A. It's hard to say because one was vomiting in 21 all day, so, probably a slow feeder and the other one came from ICU. I couldn't say exactly how long, maybe close to an hour.

Q. Well, do you remember whether you took your luncheon break that night before or after you had fed the two children in 421?

A. I took my lunch after.

Q. After?

A. Correct.



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Q. Do you recall now when it was
that you arrived at the nursing station for your
lunch break?

4

5

A. About 3 o'clock in the morning.

6

Q. Can you help me as to how it
is that you remember it was that time?

7

8

A. After, I remember I was
checking that isolette temperature in Room 418
and after I went for my lunch break.

9

10

Q. I am sorry, after you finished
feeding the two children in 421 did you then return
again to 418?

12

13

A. Right, yes.

14

Q. And that was to check the
temperature on the isolette?

15

A. Correct.

16

Q. And who was in Room 418 when
you went in that time?

17

18

A. I think it was still Susan
Nelles and, I am not sure about Janet, I am not
sure but I think Susan Nelles was still in that
room.

19

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21

Q. Well, do you remember who was
at the nursing station when you arrived there for
your break?

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A. After Phyllis came to relieve Sue Nelles, she came to relieve Sue Nelles and Sue Nelles went for her break.

5

6

Q. All right. When you arrived at the nursing station for your luncheon break who was there?

7

8

A. Sue Nelles had been there, Janet Brownless was there and some nurses from B side.

9

10

11

Q. As I understand what you have said you went to 418 just before you went on your luncheon break?

12

13

A. Right.

14

Q. That would have been approximately 3 o'clock or shortly before it as you remember it?

15

16

17

18

A. Right.

Q. All right. And you told me that you think Susan Nelles was in the room but you have also said that she was at the nursing station when you got there?

19

20

21

22

A. I mean, she probably left because when I had been there I think she was still in that room. When I came back she left, Phyllis came to relieve her and then she left for her break too.

23

24

25

Q. All right. Do you know when



1
2 Miss Nelles in fact started her luncheon break that
3 night?

4 A. About 3 o'clock too, I know
5 it is the same as I did I think.

6 Q. And do you say that on the
7 basis of having seen her first in Room 418 and
8 then seeing her leave to go to the nursing station?

9 A. Right.

10 Q. Is it possible, Mrs. Christie,
11 that Miss Nelles had already started her break, had
12 been at the nursing station earlier but had returned
13 simply to check on Justin Cook in Room 418?

14 A. It's possible, could be.

15 Q. All right. I am obliged to
16 tell you, Mrs. Christie, that Mrs. Trayner has
17 testified at the preliminary hearing about when
18 Susan Nelles took her luncheon break and a number
19 of other witnesses have testified here about that
20 time. The evidence so far is conflicting in certain
21 respects. Mrs. Trayner has testified, and this, sir,
22 is at Volume 4 of the Preliminary Hearing, page 783,
23 that she relieved Susan Nelles for her lunch break
24 at just before 2 o'clock in the morning, that she
25 agreed to look after Justin Cook for Susan Nelles
and did so and that she remained with Justin Cook



1
2 until Susan Nelles returned at approximately 2:40
3 or 2:45 in the morning.

4 Now, if that be so and that's when
5 Susan Nelles took her break, it suggests does it not
6 that she was not in the room, that is Room 418 at
7 2 o'clock when you went in to take your patient's
8 blood pressure.

8 A. At 2 o'clock.

9 THE COMMISSIONER: 2 o'clock?

10 MS. CRONK: Q. 2 o'clock.

11 A. No, I think she was in that
12 room at 2 o'clock, yes.

13 Q. All right. And you have told
14 us that, you think she was in the room when you went
15 in to take the blood pressure on your child?

15 A. Yes.

16 Q. And then moving to 3 o'clock
17 you told us the same thing.

18 A. Right.

19 Q. When you went in to check
20 the isolette?

20 A. Right.

21 Q. All right. I should tell you
22 as well that Mrs. Bell has testified, and this, sir,
23 is found at Volume 99 of our evidence, page 2403 to
24
25



1
2 2406, that she started her break with Susan Nelles
3 she thought at about 2:30 in the morning. Now,
4 when you arrived at the nursing station at close to
5 3 o'clock was Mrs. Bell there?

6 A. Yes.

7 Q. She was. And you think Miss
8 Nelles was there and you think Janet Brownless was
there?

9 A. Right.

10 Q. Do you recall now anyone else
11 being there?

12 A. I think some 4B nurses as
13 well, maybe Miss Reaper and Mrs. Halpenny, they
14 have been at the nursing station to have lunch at
the same time.

15 Q. After you arrived at the
16 nursing station, Mrs. Christie, how long did Susan
17 Nelles remain there before leaving, as you remember
18 it?

19 A. Well, I remember we left all
20 at the same time and I also remember that Janet
21 Brownless asked Susan Nelles if she could feed one
22 baby for her in Room 418. That was at the nursing
station just when we had been leaving.

23 Q. When you say we all left
24
25



1

together, who left together?

2

3

A. Janet Brownless, Sue Nelles
and myself.

4

5

Q. All right. And what time was
that?

6

7

A. That probably was between,
could be 20 to 4 or quarter to 4, something like
that.

8

9

10

Q. Do you remember specifically
when it was that you did leave, Mrs. Christie, or
is that your best estimate as to when you left?

11

12

A. That's my best recollection.

13

14

Q. All right. I am obliged to
tell you further, Mrs. Christie, Mrs. Lynn
Johnstone has testified before the Commissioner.
Do you know Mrs. Johnstone?

15

16

A. Yes, I do.

17

18

Q. Did you see her at the nursing
station while you took your luncheon break that
night?

19

20

A. Yes.

21

Q. Do you recall whether she was
there when you arrived?

22

A. She was there, yes.

23

24

Q. When you arrived or did she

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arrive after you had?

A. Maybe she arrived after, after I had been there already.

Q. Well, I recognize that that is possible, but do you remember which way it happened?

A. Not exactly no, but I remember she was there.

Q. And did you speak to Mrs. Johnstone while you were at the nursing station?

A. Not at that time, not at that time, I don't recall, no.

Q. Do you remember seeing her speak to Miss Nelles at the nursing station?

A. I don't remember, I don't recall that.

Q. All right. When you left the nursing station you have told us that you left as you remember it with Susan Nelles and Janet Brownless. Was Phyllis Trayner at the nursing station?

A. Oh, no, Phyllis Trayner was in 418, she was with Cook.

Q. She was relieving Miss Nelles?

A. Right.

Q. Where did you go when you left the nursing station?



1
2 A. When I left the nursing
3 station I went first to Room 418 and I took my
4 patient's signs and as soon as I was finished and
5 I changed my patients and I wanted to, as soon as
6 I was leaving, so, I saw Susan Nelles took that baby
7 for Janet Brownless out of the crib and she wanted
8 to feed that baby but I just only saw her taking
that baby out and I left that room.

9 Q. You didn't see her actually
10 feeding the child?

11 A. No, no I didn't, but I saw
12 her taking that baby out.

13 Q. All right. Mrs. Christie, I
14 am obliged to tell you that Mrs. Johnstone when she
15 testified here has indicated to the Commissioner that
16 she likely arrived on Ward 4A between 3 o'clock and
3:30 in the morning.

17 A. Yes.

18 Q. She has also said that she
19 has a clear recollection of having spoken to Susan
20 Nelles for five to ten minutes at the nursing station,
21 that Miss Nelles then left the nursing station,
22 returned to Room 418 and Mrs. Trayner came out to
23 the nursing station while Lynn Johnstone was still
24 there. That evidence, sir, is found at Volume 103,
25



Christie, dr.ex.
(Cronk)

7640

1
2 page 3408 to 3410. I take it on the basis of what
3 you have told us, Mrs. Christie, it is clear that
4 that does not accord with your recollection of the
5 departure time of Ms. Nelles from the nursing
6 station and the arrival time of Mrs. Trayner at
7 the nursing station, that's not the way you remember
8 it?

8 A. No. Well, Mrs. Trayner left
9 as soon as we came - we came all back together at
10 the same time, Sue Nelles, Janet Brownless and myself
11 to Room 418 and Phyllis Trayner left. As soon as
12 we arrived to that room Phyllis Trayner left that
13 room.

14 Q. And you have told us that
15 although you can't be certain, your best recollection
16 is that that was about 20 to 4 or 3:45?

17 A. Could be, it could be any time
18 but it was something, yes, like that.

19 Q. And you have told us that it
20 was your understanding that Ms. Nelles commenced
21 her lunch break at about 3 o'clock because she had
22 left Room 418 after you had gone in to check the
23 isolette temperature. Do I have that correctly?

24 A. Yes, yes. Maybe she left a
25 couple of minutes before me but I thought she was



1
2 still there. I only saw that Phyllis Trayner was
3 in that room relieving her, yes, she had been in
4 the room already.

5 Q. I am sorry. Was Mrs. Trayner -
6 are you now telling me that Mrs. Trayner was in the
7 room at 3 o'clock when you arrived to check the
8 isolette temperature?

9 A. I think she was, yes and Sue
10 left, yes she was relieving there at the time when
11 Susan wasn't there.

12 Q. You did not see Ms. Nelles
13 at 3 o'clock in the child's room?

14 A. Maybe not, maybe she left
15 before, could be that she left before.

16 Q. Mrs. Christie, do you still
17 have Volume 7 of your evidence at the Preliminary
18 Hearing beside you?

19 A. Yes, I do.

20 Q. Could you look please at page
21 1551 if you would.

22 A. Yes.

23 Q. Do you have that, Mrs. Christie?

24 A. Yes, I do.

25 Q. And I am going to ask you to
look, starting about line 15 - actually, line 13.

- - - -



BB
DM/PS

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Q. The question was:

3

"Q. Do you remember Susan Nelles
taking those breaks?

4

5

A. Susan Nelles took when she was
specializing Justin Cook one about
10:30 or 11 took one break.

6

7

Q. 10:30 or 11?

8

A. 11, and Phyllis Trayner relieved her.

9

Q. And Phyllis Trayner relieved her?

10

A. That's right.

11

12

Q. And then she had her break about
1, about 1:00?

13

A. About 1:00, yes.

14

Q. How long was that break for about
an hour?

15

16

A. One hour.

17

Q. And during that break did Phyllis
Trayner relieve her?

18

A. Phyllis was there too, yes."

19

20

Just dealing with that for a moment. Do you recall
being asked those questions and giving those answers
at the preliminary hearing?

21

22

A. Yes, I did.

23

Q. And at that time you suggested

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that Miss Nelles took a second break that night about 1:00 and that she was away for about an hour while Phyllis Trayner was relieving her, do you remember saying that?

A. Yes, I remember.

Q. You have also told us here today, Mrs. Christie --

MS. CRONK: I'm sorry, sir?

THE COMMISSIONER: I think Mrs. Christie had something she wanted to add.

MS. CRONK: I am sorry.

THE WITNESS: I remember saying that, but at that time I been asked those questions I didn't know what kind of patients I had. Those breaks which are here, those are our regular breaks we always have, besides our breaks, they are not always the same we just take them whenever we can. So that is not correct.

Q. You are telling us then that you were in error at the time you gave that evidence at the preliminary hearing?

A. That's correct, yes.

Q. And you have now had the opportunity to review further some of the responsibilities that you had on your own patients that night?



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A. Right.

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Q. And you have told us that perhaps Susan Nelles left earlier than 3:00 for her second break, and you remember seeing her at the nursing station, do I have that correct?

A. Right.

Q. Are you certain in your own mind, Mrs. Christie, as you remember the night, that as you left the nursing station with Susan Nelles and Janet Brownless, and that it was as late as 20 to 4 or quarter to 4 in the morning?

A. Yes. I remember we left together, in fact. It could be a little bit earlier and it could be a little bit later.

Q. I'm sorry.

A. To the best, to my best recollection.

Q. Could it as well, Mrs. Christie, have been a little bit earlier?

A. Could be, it's possible.

Q. And you have told us that when you went into Room 418 Mrs. Trayner was there?

A. Yes.

Q. After your break?

A. Yes.



1

2

Q. What was Mrs. Trayner doing when you went into the room after your break?

4

A. She was sitting on the chair between the two cribs between Justin's crib and the other baby next to Justin.

5

6

7

Q. What was she doing, was she just sitting there?

8

9

A. She been sitting there, yes.

10

11

Q. What was Justin Cook's condition as you observed it, if indeed you observed it at all at that time?

12

13

A. At that time he was sleeping, he was quiet and sleeping.

14

15

16

Q. While you were in the room with Mrs. Trayner at that time, did you have a clear view of Justin Cook's bed from where you stood by your own patient's bed?

17

18

19

A. Not really. What I remember, that is my recollection, that the drapes had been drawn around that crib.

20

21

22

23

Q. Around whose crib?

A. Justin Cook's, on both side, one crib, and the other one, that is what I remember seeing that, that is my recollection.

24

25

Q. Are there curtains in the room that



1

2

can be drawn completely around a patient's crib, or
only on one side or two sides of the crib?

4

A. Well they are two curtains and
you can turn them all around to cover a patient, yes.

5

6

Q. We have heard, perhaps you can
tell me, where do you recall Justin Cook's crib
being in Room 418 that night, which side of the room?

7

8

A. On the right hand side, second
bed, middle bed.

9

10

Q. The middle bed at the right
hand side?

11

12

A. Yes.

13

Q. That is the side of the wall by
the nursing station, is it not?

14

A. Yes.

15

16

Q. And was Justin Cook's bed
immediately below an observation window that led into
the nursing station?

17

18

A. Right, yes.

19

Q. And was the crib flush against
that wall, was it directly against the wall?

20

A. I think so, yes.

21

22

Q. Do I take it then that there
were curtains that could be drawn completely around
three sides of the crib?

23

24

25



1

2

A. Right.

3

4

Q. They would not, even if drawn, however, block the observation window into the nursing station?

5

A. No.

6

7

Q. And do you recall the curtains being fully drawn around all three sides of the bed?

8

9

A. Not fully drawn, no, it was a little bit left from each side.

10

11

12

13

14

Q. You have told us earlier today that you recall that when you went into Room 418 early in the evening, and I am going to ask you to remember your first coffee break, you told us that at 10 after 12 you went into Room 418 and Mrs. Trayner was then there as well, do you remember saying that?

15

A. 10 after 12?

16

17

18

Q. When you finished your first coffee break and went into Room 418 you told us you saw Mrs. Trayner there.

19

A. Yes.

20

21

22

23

Q. Was it at that time that you observed the curtains partly drawn around Justin Cook's bed, or was it later in the morning when you went into Room 418 after you completed your luncheon break?

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A. That was later when we completed our luncheon, that was second later break not the first one, no.

Q. Do you recall seeing the curtains drawn on any bed in Room 418 shortly after midnight when you went in that room?

A. No.

Q. Had you ever before seen curtains drawn around a patient's bed in Room 418?

A. Not really, no. Sometimes you do it to get the light away, but usually we don't have to, no.

Q. I take it it wasn't common but it wasn't totally unusual.

A. Right.

Q. On occasion, Mrs. Christie, when for example the parents or relatives of a patient might be in a patient's room visiting, would it be uncommon in those circumstances to see the curtains drawn?

A. Yes, when parents are in they usually try to draw the curtains, that's right, they usually try to do it, but when they leave we always put them back again.

Q. Do I understand then that it is your



8
1
2 recollection that you were in the room earlier and you
3 did not see the curtains drawn around Justin Cook's
4 bed, but you did when you went in the room at the
5 completion of your luncheon break?

6 A. That's correct.

7 Q. And was Mrs. Trayner sitting
8 inside the curtains or outside the curtains?

9 A. Just like between - outside the
10 curtains, the curtains just came to here one side and
11 the other side so she was just outside the curtain,
12 almost inside, but you know not to cover her but close
13 to the curtain.

14 Q. Could you in fact see Justin
15 Cook at all when you went into the room?

16 A. You could see him a little bit,
17 yes, not much, but a little, yes.

18 Q. And you could I take it from what
19 you have said see what Mrs. Trayner was doing and
20 you said she was sitting in a chair?

21 A. Right.

22 Q. She was not I take it then feeding
23 Justin Cook, or indeed was not holding the child or
24 near the bed at that time except where she was
25 sitting.

A. No.



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Q. Did you or anyone else in the room draw back the curtains from around Justin Cook's bed while you were still in the room?

5

6

A. Well, I took signs on my patient and I left and so I don't know whatever happened, I never seen anybody draw them.

7

8

Q. How long were you in the room?

9

10

11

12

A. Not very long, because I only took signs on him, on his blood pressure and then I went to Room 421 to take signs on my baby and feed my baby in 421. So I probably been doing that for only three or four minutes.

13

14

15

Q. Did Miss Nelles or Miss Brownless when they entered Room 418 with you comment on the fact that the curtains were drawn around the bed?

16

17

A. No.

18

19

20

Q. No one commented on it while you were there?

21

22

23

24

25

A. No.

Q. Was Mrs. Trayner still in the room when you left?

A. No, no, she left. She wasn't in the room, no, she left immediately.

Q. And you have told me that when you left Room 418 and went, I think you said to Room



1

2

421.

3

A. Right.

4

Q. To take care of your patients.

5

A. Right.

6

Q. That some time after leaving

7

418 and going to Room 421, did you discover that
Justin Cook was in some difficulty?

8

A. At that time, no, I didn't discover,

9

no, I didn't know.

10

Q. At some time after you were in

11

Room 421, or were at least out of Room 418, I take it
you did learn that Justin Cook was in trouble.

12

A. No, I didn't learn anything about

13

it, no.

14

Q. At no time that night?

15

A. No. I know at night later on

16

probably but not at that time, I didn't know if he was -

17

I know later on when 25 was called on him, that is when

18

I knew.

19

Q. Did you actually hear the Code

20

25 being called?

21

A. Yes, I did.

22

Q. Was that announced over the

23

loudspeaker or did someone just call it out orally
in the hall?

24

25



BB
DM/PS

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A. No, it was announced over the
loudspeaker.

Q. Before hearing the Code 25 had
you heard an emergency buzzer coming from Room 418?

A. No.

Q. Had you heard a Code 23 being
called?

A. No, nothing.

Q. Had you heard anyone come to the
door of Room 418 and call out for help, or call out for
Mrs. Trayner or Mrs. Johnstone?

A. No, I did not.

Q. How long after you left Room 418
was it before you heard the Code 25 being called on
the loudspeaker?

A. It is hard to say exact time, but
I'd been taking signs in 421 and also feeding babies,
two babies there, so it took me a while to do
that.

Q. Do you remember whether it was
a lengthy period of time after you left 418 that
you heard the Code 25 being called, or was it a shorter
period of time

A. It was maybe lengthy time, it
could be half an hour or even something like that, or



1
2 even longer.

3 Q. And I take it from what you have
4 said then that you heard the Code 25 being called after
5 you had gone into Room 418, taken your child's
6 temperature and signs and left again, it was after
7 that?

8 A. That I heard the 25?

9 Q. You had already left 418 and gone
10 into Room 421.

11 A. Right.

12 Q. Were you in 421 when you heard
13 the Code 25 being called?

14 A. Correct.
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EMT.jc
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Q You told us that you didn't get back into Room 418 until about ten to four in the morning or quarter to four in the morning as best you can remember it?

A Right.

Q So that the Code 25 was called after that?

A Right. Oh, yes.

Q Mrs. Christie, I would ask you to refer again to the transcript of your evidence at the preliminary hearing.

THE COMMISSIONER: Yes, Mr. Olah?

MR. OLAH: I think in fairness to the witness there is a point at which she did indicate it could have been as early as 3:30.

MS. CRONK: Thank you. I am grateful to my friend.

Q Could you look now at your transcript, Volume 7, Mrs. Christie? Page 1556.

A What number, please?

Q 1556.

A Yes.

Q Mrs. Christie, you were asked at the preliminary hearing when it was that you heard the Code 25 being announced over the loudspeaker,



CC.2

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and you gave certain evidence in that regard.

3

line 15:

4

I draw your attention to, starting at

5

"Q. Were you in the room when that
occurred, or not?

6

"A. No, no, I had been in Room 421.

7

"Q. You were in 421 when that
happened?

8

"A. That's right, yeah.

9

"Q. And how did you hear about Baby
Cook's dilemma?

10

11

"A. I heard again Code 25.

12

"Q. Was that announced over the
loudspeaker?

13

14

"A. Announced again, that's right,
over the loudspeaker, um-hum.

15

16

"Q. Four, four-twenty - you were in
425?

17

"A. No, 421.

18

19

"Q. Oh, 421, I'm sorry. That's the
room next-door, eh? And other than

20

that, did you hear anything else
being said by anyone?

21

"A. No, no.

22

23

"Q. All right. Do you recall what
time that would have been, approximately,
Mrs. Christie, that you heard that
Code 25?

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25



CC.3

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"A. That was after two o'clock.

"Q. It was after two o'clock?

"A. After, yeah.

"Q. All right.

"A. Yeah, I think after - maybe
two-thirty, something like that.

"Q. About two-thirty?

"A. Um-hum.

"Q. Can you recall now how long before
that you had been in Room 418, that
is before you heard the Code 25. How
long before that had you been in that
room?

"A. Maybe ten minutes before. Not
even ten minutes before I been in
Room 418.

"Q. Ten minutes before you'd been in
there?

"A. That's right. I been in Room 418"
Stopping there, Mrs. Christie, do you
recall giving that evidence at the preliminary hearing?

A. Yes, I remember.

Q. And you suggested at that time
that the Code 25 was called after 2 o'clock; you
thought maybe 2:30. You weren't certain. That is
what you said?



CC.4

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A. That time is wrong according to our - to what we know now about my patient so it wasn't 2 o'clock. It was later on.

Q. Yes. I appreciate that, Mrs. Christie, but do you recall as well saying it was about 10 minutes after you had left Room 418 that you heard the Code 25 being called?

A. Well, it sounded to me like only maybe 10 minutes but it probably was much, much longer, when I had to feed two babies and take signs that takes more than 10 minutes.

Q. I am sorry, I didn't hear the last part of that?

A. I said 10 minutes but I think it probably was much, much longer; it took much longer because feeding two babies and taking signs takes much longer than 10 minutes.

Q. All right. So as not to confuse you, Mrs. Christie, I can help you a bit: according to the notes that are available to us in Justin Cook's medical chart, it seems that he ran into difficulties at about quarter to four in the morning.

A. Yes.

Q. That a Code 23 was called for Dr. Kantak.



CC.5

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2

A. Yes.

3

Q. And at the arrest, the Code 25

4

was called at twenty after four in the morning.

5

A. Yes.

6

Q. I take it from what you have

7

just told us that your evidence today is that the time

8

that you gave at the preliminary hearing for the

calling of the Code 25 is clearly wrong?

9

A. Correct. Yes.

10

Q. And as well, you now believe

11

you were mistaken when you said that only 10 minutes

12

had elapsed?

13

A. Yes.

14

Q. From the time you left Room 418

15

until the time you heard the Code 25. You think it

16

was much longer given what you had to do with your

patients in Room 421?

17

A. That is right, yes.

18

Q. What did you do, Mrs. Christie,

19

when you heard the Code 25 being called?

20

A. When I heard Code 25 I went to

21

Room 418 right away to make room for the doctors and

22

to take some chairs away, some rocking chairs, to

23

make room for the crash cart. Also I wanted to take

24

one crib away, the first crib on the left hand side

25



CC.6

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to make more room because you need more room when you have got arrest.

I wanted to take that crib away but Janet Brownless take that crib from me and push it back again against the wall.

Q. Back into Room 418?

A. That is right, yes.

Q. We know, Mrs. Christie, that your patient in Room 418 was on three-hour feedings?

A. Yes.

Q. You had fed him at 1 o'clock; that is your recollection?

A. Right.

Q. He was therefore due to be fed again at 4 o'clock in the morning?

A. Right.

Q. Correct.

A. Yes.

Q. Did you in fact go into Room 418 at or around 4 o'clock in the morning to feed that child?

A. No. I took signs before 4 o'clock and I went back to that room about 4:30. I started to feed him at 4:30 while resuscitation was going on.



CC.7

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Q Can you tell me, please, how it is that you remember that it was half an hour after technically when the feeding should have been given that you went into the room to feed him?

A I remember because I had been busy in 21. I had to first finish my babies in 21 and then I came back again to Justin Cook - not to Justin Cook, to my patient, and I fed him half hour later. That's right.

Q And you told us that when you heard the Code 25 being called you went to Room 418 as well to help move some chairs?

A Right.

Q And you moved a patient out. You did a number of things?

A Right.

Q Was that before you had gone in to feed your patient in 418?

A Before I went in and after when all the doctors had been there I fed my patient in that room, yes.

Q Well, can you help me, please, when you first went into Room 418 after you heard the Code being called --

A Yes.



CC.8

1

2

Q. -- who was there?

3

4

5

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7

A. Well, I saw the nurses there like Phyllis Trayner, Susan Nelles was there. Bertha Bell from B side. Sheila Wittingham from B side and Susan Reaper and eight doctors and three supervisors.

8

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Q. When you say eight doctors and three supervisors, Mrs. Christie --

A. Yes.

Q. -- did you count them?

A. Yes, I did.

Q. I see. All right. There were a great many people then in the room when you arrived?

A. Right.

Q. What was happening in the room?

A. Well, they tried to resuscitate Justin Cook. They had been working on him.

Q. While you were in the room, Mrs. Christie, for that moment or two moving some chairs, and taking a patient out, did you see anyone administer any medication to Justin Cook?

A. No. I don't recall. I don't remember if I seen it. I don't know.

THE COMMISSIONER: Are we talking about the resuscitation?

MS. CRONK: The beginning of the resuscitation, sir..



CC.9

1

2

THE COMMISSIONER: Oh, I see.

3

4

MS. CRONK: She said she had gone in
when the Code was called.

5

6

Q You don't recall whether you did
or did not?

7

A No, I don't recall.

8

9

Q And with that many people in
the room, Mrs. Christie, when you arrived, did you
in fact see Justin Cook at all?

10

11

A Not really, no, because all
the doctors all around, no.

12

Q That's a lot of people?

13

A Yes.

14

15

Q And you have told us you did
go back into the room later you think at about 4:30
to feed your own patient?

16

A Yes.

17

18

Q Were you in the room when
Justin Cook was pronounced dead?

19

20

A I had been in that room when
he - yes. Yes.

21

22

Q After Justin Cook had been
pronounced dead did you see Dr. Jedeikin in Room 418?

23

24

25

A Yes, I saw him talking to
Susan Nelles, yes.



CC.10

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2

3

Q Do you know what they were
talking about?

4

5

A Not really because I left. I
left that room when they had been talking.

6

7

Q Did you see Dr. Jedeikin doing
anything with respect to Justin Cook or his intravenous,
anything of that kind?

8

9

A No, I didn't notice anything.
No, not anything.

10

11

Q Did you see anybody that night
taking any blood samples from Justin Cook?

12

13

A No, I just wasn't in that room
whatever - no, I haven't seen, no.

14

15

Q You have told us you sent in
about 4:30 to feed your child?

16

17

A Yes.

18

19

Q You have told us previously
that that child was a slow eater.

20

21

A Right.

22

23

Q Slow feeder?

24

25

A Yes.

Q It would have taken some time
to feed him?

A Right.

Q Do you know how long you were
in 418?



CC.11

1

2

3

A. Well, maybe a little bit over half an hour.

4

5

6

Q. And in the time that you were in that room do I have it that you saw no one taking any blood sample from Justin Cook?

7

8

A. I probably just left. I haven't seen, no, I haven't.

9

10

11

Q. Did you see anyone in that half hour while you were in the room remove either his intravenous bag or any part of his intravenous tubing from the room?

12

A. No. I never noticed neither, no.

13

14

15

16

17

Q. Do you recall now, Mrs. Christie, having participated in or having heard any discussions amongst the nurses and the physicians who were in Justin Cook's room at the time that he was being resuscitated, did you hear them discussing his death after he had died?

18

19

20

21

22

A. No, I didn't discuss - I didn't hear anything only I remember that about 5:30, about 6 o'clock Dr. Fowler came to the floor and he had been talking to Dr. Jedeikin. And he also spoke to Phyllis Trayner and asked her about staffing, how many nurses work that particular night.

23

24

Q. And where did that conversation take place?

25



CC.12

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A. That was in the hall in front
of Room 418.

Q. When you say he asked her
about staffing --

A. Right.

Q. -- did he ask her about how
many nurses had been on duty that night?

A. That is right, yes.

Q. Were you part of that discussion
or did you overhear it?

A. No, I overheard it only.

Q. Did you overhear any other
matter that may have been discussed between --

A. No, that is all I remember.

Q. At any time, Mrs. Christie,
before you left work that morning, did anyone suggest
to you or suggest about which you learned that digoxin
may have been involved in the death of Justin Cook?

A. No. I didn't hear anything, no.

Q. Do you recall any discussion
that night at any time of which you were made aware
concerning the locking up of the digoxin on Wards 4A
and 4B?

A. No, I didn't neither, no.

Q. Did you observe anyone at any



CC.13

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2

3

4

time that night or early morning locking up any of
the digoxin in either of the medication rooms on 4A
or 4B?

5

A. No, I didn't.

6

7

8

Q. Did you hear any discussion
that night before you left work concerning the involve-
ment of the coroner with respect either to Allana
Miller or potentially Justin Cook?

9

A. No.

10

11

12

Q. Do you recall, Mrs. Christie,
before you left work that morning seeing Mrs. Radojewski
on the floor?

13

14

15

16

A. Yes. I remmeber she arrived
about 7:15, and she had been talking to Susan Nelles
at the nursing station, and also to Phyllis Trayner,
and they had been talking about some digoxin, digoxin
need to be taken on all the patients.

17

18

Q. You say that they were talking
about that. Do you recall who said that?

19

20

21

A. Digoxin level. Yes. Yes, I
heard something about that, yes. They had been
talking about digoxin level on all the patients.

22

23

24

25

Q. Do you remmeber who said that
a digoxin level was to be taken on all the patients?

A. I don't know if Susan Nelles



CC.14

1

2

mentioned that to her, I just don't know, but somebody
mentioned that, yes.

4

Q Did you overhear any other part
of the discussion?

5

6

A No, that is all what I overheard.

7

Q You didn't hear anything about
Justin Cook during that discussion?

8

A No.

9

Q What was your reaction, Mrs.
Christie, when you learned that a digoxin level was
to be taken on all the patients on the ward?

10

11

12

A I just didn't know what to think.
I only know that Justin Cook supposed to go on Sunday
morning to the OR. He was supposed to go to the OR
Sunday morning. That's all what I remember.

13

14

15

16

17

18

Q Now when you learned that a
digoxin level was to be taken on all those patients,
did it occur to you then that there might be a
connection between Justin Cook's death and digoxin?

19

20

A Not really, no. I didn't know
anything about it, no.

21

22

23

24

25

Q That conversation had taken
place I gather very shortly, within a matter of some
two hours, after Justin Cook had died. Is that
correct?



CC.15

1

2

A. I didn't hear anything about it.

3

I don't know.

4

Q. I am sorry. The conversation

5

that you did hear --

6

A. Yes.

7

Q. -- Mrs. Radojewski, Mrs. Trayner,

8

Ms. Nelles, that took place when Mrs. Radojewski was
on the ward you said about 7:15?

9

A. Right.

10

Q. That was within about two hours

11

after Justin Cook had been pronounced dead?

12

A. Oh, right, yes.

13

Q. You are telling us that it did

14

not occur to you then that there might be any
connection between digoxin and Justin Cook's death?

15

A. Right.

16

Q. Do I have that correctly?

17

A. Right.

18

Q. Did you at any time that

19

morning before leaving the ward to go home hear any
of the nurses discussing Justin Cook at any location
on the wards?

21

A. No, I didn't. I probably been
busy feeding my baby in 18 because he supposed to be
fed at 7 o'clock so I been feeding him so I didn't

22

23

24

25



CC.16

1

2

hear any discussions, no.

3

4

5

Q Did you hear Mrs. Radojewski
or Miss Nelles or Mrs. Trayner explain why the digoxin
level was to be taken on each child on the ward?

6

A No.

7

8

Q When did you learn for the first
time, Mrs. Christie, that Justin Cook had an elevated
post mortem digoxin level?

9

10

11

12

13

A When the two police officers
came on the 25th (that was Wednesday) of March to my
house to question me so they asked me if I know why
Justin Cook died and I replied no, I didn't know, and
so he told me that he had a high level of digoxin.

14

Q That was the first time that
you knew?

15

16

A That is right.

17

Q When did you first learn about
Allana Miller's elevated digoxin level?

18

19

A I just don't remember. I don't
recall. I don't know.

20

21

Q Was it any time on that weekend,
the Saturday or the Sunday?

22

A No, no, no. Not on that weekend.

23

24

25

Q Did you know that before Susan
Nelles was arrested on the Wednesday, March 25th?



CC.17

1

2

A. No, I didn't know.

3

Q. It was after that that you

4

learned?

5

A. Yes.

6

Q. As I understand it, Mrs. Christie,

7

you were scheduled to work long nights on Sunday,
March 22nd?

8

A. Right.

9

Q. Were you contacted at some

10

point on that day and told not to come in to work?

11

A. Yes. Mrs. Radojewski phoned

12

me about 5:30 that night and she said that Miss Geiger

13

gave us - Miss Geiger, that was our Director of Nursing -

14

and she said not to come to work, that she give us a

15

day off, and not to come to work that particular night.

16

Q. How did you react to that news?

17

A. Well, I just couldn't - didn't

18

know how come, why is it, why shouldn't we go to work,

19

so I did phone Phyllis and I asked Phyllis if she

20

knows something about it and Phyllis said, yes, that

21

Mrs. Radojewski called her too and told her the same

22

thing.

Q. When did you call Mrs. Trayner?

23

A. Right away when Mrs. Radojewski

24

called me.

25



CC.18

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Q That would have been shortly
after 5:30 on Sunday?

A. Right.

Q Did you speak to any other
members of your team or any other nurses by telephone
that day?

A. No, I did not.

Q Why did you call Mrs. Trayner?

A. Because she was my team leader
and I so I wanted to know if she knew anything about it.
That's why I called her.

Q Had Mrs. Radojewski told you
why Miss Geiger was giving you the night off?

A. Yes. She said that we had
been under a lot of strain and so she think it would
be better that we get a day off.



DD
BB/cr

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Q. Did you accept that as the explanation as for why you were being asked not to come in?

A. No, I just didn't understand it, I didn't know why, no.

Q. Was Mrs. Trayner able to offer you any other or further explanation as to why you weren't to come in?

A. No, no, only I asked her if Mrs. Radojewski called her and that's the same what she told me and that's all and we didn't talk any more, no.

Q. When you say that you didn't talk any more, did you discuss with Mrs. Trayner on the telephone that night the death of Justin Cook?

A. No.

Q. Did you discuss any other matter with her at all that evening?

A. No.

Q. Did you speak to any of your other team members at any time on the Sunday afternoon or the Sunday night?

A. No, I didn't.

Q. You have already told us that



2
1
2 on Monday, March 23rd you had a day off and you were
3 not at the Hospital?

4 A. Right.

5 Q. Nor were you at Mrs.
6 Radojewski's house for the meeting that occurred
7 that evening?

8 A. Right.

9 Q. I take it that later in the
10 week you did learn that Miss Nelles had been charged
11 with the murder of Justin Cook?

12 A. Yes.

13 Q. When did you first learn that?

14 A. I heard it on the radio about
15 4 o'clock on the news.

16 Q. That would be on Wednesday,
17 March 25th?

18 A. Right.

19 Q. And subsequently Mrs. Christie,
20 do I have it correctly that you did come back into
21 work and you continued to work on Ward 4A over the
22 summer months June, July, August 1981. You did
23 continue to work on the wards throughout the summer
24 of 1981?

25 A. Oh, yes, oh, yes.

Q. We have heard something, Mrs.



1
2 Christie, about some incidents which have been
3 described as being unusual that occurred during the
4 summer and the fall of 1981 on Wards 4A and 4B.
5 Can you help me first, did you personally ever receive
6 at any time after the arrest of Susan Nelles a
7 threatening phone call from anyone?

8 A. No, I didn't.

9 Q. You were however questioned
10 at the preliminary hearing regarding a phone call
11 made to the ward clerk on Ward 4A, do you recall
12 that?

13 A. Yes, I do.

14 Q. Could you tell me please, I
15 take it you were on duty when that phone call was
16 made?

17 A. Yes.

18 Q. Was that during the day time
19 or on the long night shift?

20 A. That was during the day,
21 maybe about 5 or 6 o'clock.

22 Q. Can you tell me please what
23 you observed on that occasion, what happened?

24 A. I remember it was our ward
25 clerk Anna Fernandes, she answered the phone and
Phyllis was standing not very close to her looking



1
2 at some charts and I was behind further back and
3 there were more nurses around and then she hung up,
4 our ward clerk, she got the phone and didn't say
5 anything, just hung up and went right away to
6 Phyllis and told something to Phyllis but I don't
7 recall what she talked, I just don't remember, I
8 don't know.

9 Q. Well, when this phone call
10 came in, where were you?

11 A. I was on the other side, I
12 mean, not close to the desk, a little bit further
13 back.

14 Q. I am sorry, this was at the
15 nursing station?

16 A. Right.

17 Q. All right. And you were
18 standing further back at the nursing station?

19 A. Right.

20 Q. Where was the ward clerk?

21 A. Right at the front where the
22 phones are.

23 Q. All right. And where in
24 relation to the ward clerk was Mrs. Trayner?

25 A. Close by, very close by to the
ward clerk on the same table, a little bit further



5 1
2 to the side.

3 Q. At the front of the nursing
4 station as well?

5 A. Yes, right.

6 Q. Who else was there at the
7 time?

8 A. There had been many nurses
9 from B side as well. I don't recall all the names
10 but there had been more people there, more nurses.

11 Q. And did you hear the telephone
12 ring and see Miss Fernandes picking up the telephone?

13 A. Yes, she said, like, for A and
14 B, for Ward 4A and B and listened for a while and
15 then hung up and then went right away to Phyllis
16 Trayner and told her but I don't remember, I don't
17 recall if she told us what it was, I just don't
18 remember.

19 Q. All right. Well, may we just
20 take it in stages. You heard the phone ring and
21 you saw Miss Fernandes pick it up?

22 A. Correct.

23 Q. But you didn't hear her say
24 anything, do I have that correctly?

25 A. Correct.

Q. Did you see her hang up the



1

2

3

4

phone and then did she turn to Phyllis Trayner to speak to her or did she have to move away to go and speak to Mrs. Trayner?

5

A. No, she had to go to speak to her.

6

7

Q. All right. And did you hear what Miss Fernandes said to Mrs. Trayner?

8

A. No, I didn't.

9

10

Q. Did you hear anything that Mrs. Trayner might have said?

11

A. No, I didn't.

12

13

14

Q. What was Miss Fernandes' emotional condition at the time insofar as you observed it, what was your impression of how she was acting at the time?

15

A. She was calm.

16

Q. I didn't hear that.

17

A. Calm.

18

Q. Calm?

19

A. Calm, yes.

20

Q. Was she acting in any way abnormally insofar as you observed it?

21

A. No, no.

22

23

Q. Did she seem to be upset in any way?

24

25



1

2

A. No, not really.

3

4

Q. What was Mrs. Trayner's
reaction to whatever Miss Fernandes said insofar
as you observed it?

5

6

A. I just don't remember, I
don't know, I don't remember that.

7

8

Q. You don't remember one way or
the other?

9

A. Right.

10

11

Q. Did Miss Fernandes tell you
or did anyone else tell you what was said to her on
the telephone?

12

13

A. No.

14

15

Q. Was there anything that you
saw or were told around the time that this telephone
call was made, Mrs. Christie, that led you to believe
that it was an unusual telephone call in any way?

16

17

A. Yes.

18

19

Q. All right. What was it that
you saw or what was it that you were told?

20

21

22

A. I had been told that she got
a couple of times some calls and somebody mentioned
that she is going to die first and Sui Scott will
be next or something in that sense.

23

24

25

Q. I am sorry, did someone tell



1

2

you that that day?

3

A. Not that day but maybe before,

4

there had been a couple of phone calls and that's

5

what Phyllis Trayner told us.

6

Q. Do I have it that Mrs. Trayner

7

had told you that there had been other calls?

8

A. Right.

9

Q. All right. And you knew that

10

before this call that came in to Miss Fernandes?

11

A. Right.

12

Q. Had Mrs. Trayner told you that

13

or had someone else told you about the other calls?

14

A. I think Mrs. Trayner.

15

Q. All right. Well, my question

16

to you was, Mrs. Christie, and I would ask you to
focus on the call that came in to Miss Fernandes and
what you saw.

17

THE COMMISSIONER: What's the number

18

of that exhibit?

19

MS. CRONK: I am sorry, sir?

20

THE COMMISSIONER: What's the number of

21

that exhibit?

22

MS. CRONK: Tab 76, sir.

23

Q. Mrs. Christie, I am going to

24

ask you to focus, to think about what happened when

25



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the call came in for Miss Fernandes when you were at the nursing station. My question to you was: Did you see anything or did you learn anything, were you told anything that made you think that that phone call was unusual in any way?

A. Yes, it was unusual, I would think so, yes.

Q. All right. Well, how was it unusual?

A. I don't know because she just told her something and that's it and didn't say anything more, so I don't know.

Q. All right. Well, if you didn't hear what Miss Fernandes said to Mrs. Trayner and you thought Miss Fernandes was acting calmly, not abnormally, and you didn't hear what Mrs. Trayner said to Miss Fernandes - do I have it right so far?

A. Right.

Q. What was it that made you think that the phone call was unusual?

A. Because she didn't say anything and nobody said anything at that time so, I just don't know, I don't know what was said about it.

Q. Do I have it that it was your impression for whatever reason that the call was



Christie, dr.ex.
(Cronk)

1

2

unusual in some way?

3

A. Correct.

4

Q. All right. And Miss Fernandes
said nothing to anyone else at the nursing station?

5

A. No.

6

Q. If she had received, for
example, and I put this to you only as an example,
Mrs. Christie, if she had received a phone call from
someone else in the Hospital that was a wrong number
or if she had received an enquiry of any kind, would
there be any reason for her to tell the other nurses
at the nursing station what had been said to her
on the telephone?

13

A. I don't know, maybe if she
would say, maybe if it was just a message to
Phyllis Trayner or something, I just don't know.

16

Q. Is it possible on the basis
of what you saw and what you heard, Mrs. Christie,
that it was a message for Mrs. Trayner?

18

A. Yes, yes.

19

Q. And you don't know what was
said on the phone call?

21

A. No.

22

Q. All right. What happened
after Miss Fernandes spoke to Mrs. Trayner?

23

24

25



Christie, dr.ex.
(Cronk)

1
2 A. She went back, Anna Fernandes,
3 to her desk and not really, I think I left the
4 nursing station, I didn't stay there.

5 THE COMMISSIONER: Have we established
6 what the date was for this call. How close did we
7 get to it?

11 8 MS. CRONK: No, I haven't put the
9 question to Mrs. Christie yet.

10 MR. ROLAND: Maybe I can help you.
11 Miss Cronk is at a bit of a disadvantage because
12 she doesn't have the WIN sheets for this period and
13 we thought we didn't have them available. We
14 discovered we do have them and in fact today
15 delivered a copy of them to Mr. Lamek. I gather the
16 date we are concerned with is August 23rd, 1981,
17 which is shown as the date that Anna Fernandes
18 received a call in the afternoon and Mrs. Christie
19 was not on duty that day at all at the Hospital.

20 THE WITNESS: No, but there had been
21 quite a few phone calls, that's right, quite a few
22 before.

23 MR. ROLAND: Well, that appears to be
24 as far as Exhibit 32B is concerned, Tab 76, the
25 only call that is listed in that Tab that Anna
Fernandes received and I think it can be concluded



1
2 that this wasn't the one that Mrs. Christie is
3 referring to because she wasn't on duty.

4 MS. CRONK: Well, Mr. Roland has dealt
5 with it in a way much different than I would, sir,
6 but as is obvious, the purposes of my questions to
7 Mrs. Christie is to establish exactly what it was
8 that she saw and what she heard. Indeed, she did
9 give evidence at the Preliminary Hearing in the
10 context of this being a threatening phone call.
11 I am grateful for my friend for pointing out that
12 she wasn't there on that date.

13 THE COMMISSIONER: Well, did she say
14 at the Preliminary Hearing that it was a threatening
15 phone call?

16 MS. CRONK: No, I said it was in the
17 context, sir, of the questions about it being a
18 threatening phone call and to help you it's --

19 THE COMMISSIONER: At any rate, if
20 Exhibit 32B or at least Exhibit whatever it is,
21 76, is correct, this wasn't a threatening phone
22 call.

23 MS. CRONK: That's my conclusion, sir,
24 but it is a matter obviously best left to you.

25 THE COMMISSIONER: Well, no, I just
wanted to - because obviously Mrs. Christie has no



1
2 idea what was said and there is no reason why Miss
3 Fernandes can't answer the telephone.

4 MS. CRONK: I think we may be assisted
5 in the matter, sir, and I will do this at a later
6 date, we will simply file the WIN sheets as well with
7 respect to August 23rd that Mr. Roland has now
provided us.

8 THE COMMISSIONER: What's the reference
9 to the Preliminary however?

10 MS. CRONK: Volume 7, sir, starting
11 at page 1574.

12 THE COMMISSIONER: Yes, did you want
13 to say something, Mr. Brown?

14 MR. BROWN: The reference simply is
at line 25:

15 "A. Somebody just phoned and asked
16 the secretary about Phyllis and so,
17 but not very much, I didn't hear much."
18 And I don't really know whether there
19 is any further description of the telephone call.

20 MS. CRONK: Well, I am sorry, there
21 is, Mr. Brown, and to be fair so that the issue at
22 least appears to be relevant, if we can start a
little earlier at page 1574, starting at line 14:

23 "Now, after Susan Nelles was charged
24
25



1
2 "did you become aware of a series
3 of incidents in the Hospital involving
4 strange phone calls and marks put on
5 lockers?

6 A. Yeah, I did.

7 Q. Food being, uh, having drugs
8 in it?

9 A. I did, once I heard, but I
10 wasn't working that particular day, but
11 they supposed to got some phone calls.

12 Q. Well, did you witness any of
13 this yourself?

14 A. Later on.

15 Q. Did you see...

16 A. Later, once, I witnessed myself,
17 yeah.

18 Q. What was that incident?"

19 And then the line Mr. Brown just quoted and it
20 continues on for some three pages.

21 MR. BROWN: I don't really know whether
22 I stand corrected or not.

23 MR. OLAH: Excuse me, if my friend
24 reads on at page 1576 a specific question was put
25 to Mrs. Christie:

"Q. Do you remember what date that
would be, approximately, Mrs. Christie?



Christie, dr.ex.
(Cronk)

1

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"A. No, I'm sorry, I don't."

3

I don't believe that really can assist

4

you, sir.

5

MS. CRONK: Q. Mrs. Christie, as I

6

understand what you have said, whatever the questions

7

that were put to you at the Preliminary Hearing,

8

you cannot assist us any further with respect to the

9

phone call that was made that Miss Fernandes answered,

10

you don't know what was said to her on the telephone,

11

you don't know what she said to Phyllis Trayner,

nor what Mrs. Trayner said to her. Do I have

12

that correctly?

13

A. Correct, yes.

14

Q. And you are not able to help

15

us any further as to why it was that you thought that

phone call was unusual in any way?

16

A. Right.

17

Q. Do you recall being interviewed

18

by representatives of the Metropolitan Toronto

19

Police on November 2nd, 1982?

20

A. Yes.

21

Q. And you recall the matter of

22

this telephone call being raised at that time. Do

you remember talking about it then?

23

A. I don't remember, maybe I did,

24

25



1
2 yes.

3 Q. Well, my question to you is
4 simply this, Mrs. Christie. Did anything come to
5 mind after you had heard that phone call being made
6 on the ward up until the time you were interviewed by
7 the police on November 2nd, 1982, which led you to
8 believe that that phone call was a threatening phone
9 call. Is there anything you remember over that
10 course of time that you haven't told us about
11 already?

11 A. No.

12 Q. All right, thank you. Did
13 you personally at any time after that episode with
14 Miss Fernandes receive a threatening phone call of
15 any kind?

15 A. If I received?

16 Q. Yes.

17 A. No.

18 Q. All right. Were you present
19 at the Hospital, on duty at the Hospital when another
20 episode occurred involving something unusual
21 regarding the food of a number of nurses on the ward?

22 A. Yes, I was that particular
23 night, yes.

24 Q. All right. Can you tell me
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please what happened on that occasion?

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A. It was about lunch time, about

1 o'clock in the morning we were working nights and

Sue - Sui and Phyllis Trayner and Miss Halpenny

on B side and Mrs. Lyons and our side Phyllis

Trayner and Mary Lyn Barnett I recall having lunch

and we've got like two tables at the nursing station,

one belonged to A side and one belonged to B side,

so, Phyllis Trayner took her soup, she brought it

in a tupperware dish, so, she went with another

nurse from B side downstairs to the microwave to

heat up her soup. She came back and she was just

sitting at the table and I was sitting opposite her

and she was just stirring that soup with a spoon,

playing with it, and then Sui Scott brought her

salad, also in a small tupperware dish, put it on

the table, like, two seats before Mrs. Trayner and

she put that there and then for some reason she

had to leave the nurses' station, went to a room

and Phyllis was still playing -- oh, no, at that

time first when she came Phyllis offered some soup

to Mrs. Scott. She asked her if she would like to

have some of her soup.

MR. BROWN: Excuse me, sir, I am

sorry, we are having a bit of difficulty hearing



1

2

you, perhaps if you could speak a little bit more
slowly.

3

4

THE WITNESS: Oh, sorry.

5

6

THE COMMISSIONER: Yes. I wonder if
you could just -- you say that Phyllis went to
heat up her soup?

7

8

THE WITNESS: Right.

9

THE COMMISSIONER: And she came back?

10

11

THE WITNESS: Right.

THE COMMISSIONER: And she was stirring
her soup?

12

THE WITNESS: Right.

13

THE COMMISSIONER: And was it at that
point that Sui Scott had to leave?

14

15

THE WITNESS: No, no. At that point

Sui Scott --

16

17

THE COMMISSIONER: Oh, brought her

salad.

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THE WITNESS: Yes, brought her salad,

put it there.

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THE COMMISSIONER: And then she left,

did she?

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THE COMMISSIONER: Then she left, did she?

THE WITNESS: Yes, but first Phyllis was complaining that her soup wasn't very warm.

THE COMMISSIONER: Wait a minute. We have to get it down. We have got Sui Scott has got her salad.

THE WITNESS: Right.

THE COMMISSIONER: And Phyllis Trayner is complaining about her soup being too cold.

THE WITNESS: Right.

MS. CRONK: Sir, I am sorry to interject but could I be of assistance here on one point that was raised.

THE COMMISSIONER: Yes.

Q. When you were at the nursing station you have told us, Mrs. Christie, that Mrs. Trayner went down to warm her soup up downstairs in a microwave and that she went with another nurse from 4B, do I have that correctly?

A. Yes.

Q. Do you recall now who that nurse was that she went with?

A. I think it was, I'm not quite certain, but I think it was Mary Jean Halpenny



1
2 I think with her.

3 Q. When Mrs. Trayner came back up
4 with her soup.

5 A. Yes.

6 Q. And having been downstairs.

7 A. Yes.

8 Q. Were you still at the nursing
station?

9 A. Yes, yes.

10 Q. Was Mrs. Scott at the nursing
11 station then?

12 A. She came, she came and Phyllis
13 asked her if she would like to have some of her soup,
14 and Mrs. Scott said, "Yes".

15 THE COMMISSIONER: Wait a minute,
16 had Mrs. Trayner said her soup was too cold before
she offered it to her?

17 THE WITNESS: Yes. Well, she was
18 complaining something about the cold, but maybe
19 she offered and she didn't try it yet, I don't know,
20 but she was complaining that her soup wasn't very
warm.

21 Q. Can I ask you to stop there for
22 a moment. Perhaps we can try it again. Can we deal
23 with it just in the sequence of events as you remember
24
25



3 2 them?

3 A. Yes.

4 Q. When Mrs. Trayner came back with
5 her soup I take it she sat down at a table in the
6 nursing station?

6 A. Yes.

7 Q. Was she at your table?

8 A. No, not on my table.

9 Q. Who was sitting at the table with
10 her?

11 A. At her table I think Mrs. Halpenny
12 was sitting there, and probably Miss Reaper.
13 At my table was Mary Lyn Barnett sitting next to me.

14 Q. Was there anyone else at your
15 table?

16 A. No, I think only Mary Lyn and
17 myself just the two of us at that time.

18 Q. Was Mrs. Scott then at either
19 table or was she at the nursing station at that time
20 when Mrs. Trayner first came back and sat down, was
21 Mrs. Scott there?

21 A. She came back.

22 Q. Was she there then, or did she
23 come later?

24 A. No, she came. She came, and
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Phyllis offered her some soup.

Q. You are getting ahead of me again, Mrs. Christie. May I ask you this question. We know that Mrs. Scott came to the nursing station, you have told us that now several times. Was Mrs. Trayner already sitting down with her soup before Mrs. Scott arrived?

A. Right, yes.

Q. Thank you. At that point is that when you heard Mrs. Trayner talking about the fact that her soup was cold?

THE COMMISSIONER: It is possible she offered the soup first.

THE WITNESS: Right, first she offered, yes.

THE COMMISSIONER: First she offered, that makes it more generous.

THE WITNESS: Yes. Sui came and she - can I talk or not?

MS. CRONK: Yes, I wish you would, Mrs. Christie.

THE WITNESS: Sui came and Phyllis Trayner offered her some soup. She said, "Would you like some of my soup", she didn't offer anybody else any soup, only to Sui Scott.



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Q. Could we stop there for just a moment.

4

A. Sure.

5

6

Q. At that point Mrs. Scott had come to the nursing station and Mrs. Trayner has offered her, and I take it only her, some soup.

7

A. Yes.

8

9

Q. At that point had you heard Mrs. Trayner talking about whether her soup was cold or warm?

10

11

A. At that point she didn't say anything.

12

13

Q. Was Mrs. Scott sitting with her lunch at that point when she was offered some soup?

14

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A. I think Mrs. Scott tried some of that soup, yes. She did, but later she had to go to Room, somewhere, she had to go somewhere, I don't know for what, for a kid or something, but anyway she left and Phyllis Trayner was sitting in front having her soup and stirring that soup, just like stirring that soup.

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23

Q. Could I ask you to stop there for a moment. When Mrs. Scott was sitting at the nursing station had she put her salad on the table, did she have her own lunch there?

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A. Her salad was - yes, on the table.

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Q. And what table was Mrs. Scott sitting at, at the table with you and Ms. Barnett or at the other table?

5

6

A. The other table.

7

8

Q. At the table with Mrs. Trayner?

9

10

A. Right.

Q. And at any point before Mrs. Scott left the nursing station had Mrs. Trayner had any of her own soup that you saw?

11

12

A. No, she wasn't eating her soup, just playing, stirring it.

13

14

Q. Had Mrs. Scott had any of her salad that you saw?

15

16

A. Not at that time, no.

17

18

Q. But you think that she had had some of the soup that Mrs. Trayner offered to her?

19

20

A. Correct.

Q. And then you told us that Mrs. Scott left the nursing station, she was called away and you are not sure why, but she left.

21

22

A. Right.

Q. What happened next?

23

24

25

A. When Phyllis was still playing with her soup, then she noticed some tablets in her



1
2 soup or something, and stood up, right away and went
3 to Sui's salad right away and she took a fork and
4 looked in the salad underneath, like in the bottom,
5 and then she discovered some orange tablets, like
6 broken tablets. So she showed them to us. So we
7 looked, and I looked, and I said they look like
8 vitamin C, you know, vitamin C is orange colored.

9 Q. Could I interrupt you there?

10 A. Yes.

11 Q. When you say she found something
12 in her soup and she went right away and looked at Mrs.
13 Scott's salad. Did she call out in any way to the
14 other nurses who were there?

15 A. I think when she saw those tablets
16 in Sui's salad I think she was upset and I think she
17 started to cry, or something like that, and somebody
18 went to get Sui Scott, I think Miss Barnett went to
19 get her. Sui Scott came to the floor so Phyllis
20 showed her that, those tablets in her salad.

21 Q. What was it, Mrs. Christie, that
22 made you get up and go over to the table to look at
23 the food?

24 A. Because I'd been at the other
25 table, she was calling and showing them some tablets
in her soup, too.



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Q. And what were you looking into when you saw what you thought were vitamin C, what were you looking at?

A. In the salad.

Q. In the salad?

A. Right.

Q. Did you look as well in the soup?

A. No, I didn't.

Q. When you looked at the salad, can you tell me had the salad already been tossed or mixed together, by Mrs. Scott?

A. No, not at that time, no.

THE COMMISSIONER: Do you understand? I don't know how. Do you know when a salad has been tossed or mixed together? What kind of a salad was it?

THE WITNESS: It was in a small Tupperware dish, orange colored, not very big, maybe 8 or 10 ounces and it had some lettuce and maybe some other vegetables, not very much, a little bit.

THE COMMISSIONER: Miss Cronk is asking you whether it was tossed or mixed together.

THE WITNESS: At that time, yes, oh, yes.

THE COMMISSIONER: You said no before, and now you are saying, "Oh, yes".



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A. It was, I mean some other salad,
not only salad but some other vegetables, I don't
recall exactly what was in it.

THE COMMISSIONER: But tossing a salad,
as I understand it, is taking a couple of implements and
mixing it up.

THE WITNESS: Yes.

THE COMMISSIONER: Did it look like a
tossed salad, or did it look like one of these with
bits of lettuce and a bit of tomato that you get
at the side of your plate in a restaurant?
Did it look like that, or did it look as though it
was mixed as a salad?

THE WITNESS: Like mixed as a salad,
yes.

Q. Did you see at any point, Mrs.
Christie, Mrs. Scott putting salad dressing on the
salad?

A. No, no, no kind of dressing,
nothing.

Q. And after you had looked in the
salad I take it others were as well, others were
looking at the salad?

A. Yes, indeed.

Q. You said someone went and got Mrs.



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Scott.

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A. Right.

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Q. Did she then come up to the
nursing station?

5

A. Yes, she did.

6

Q. Do I take it then that from the
time that Mrs. Trayner returned - well, indeed went
downstairs to get to the microwave with her soup,
until the time that she discovered the pills in the
salad, and the time that Mrs. Scott came out to the
nursing station you were at the nursing station the
entire time?

12

13

A. Right.

14

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16

Q. Did you at any point while you
were at the nursing station see anyone putting any
pills or any materials of any kind into Mrs. Scott's
salad?

17

18

A. No, I did not.

19

20

Q. At any time did you see anyone
putting anything into Mrs. Trayner's soup?

21

22

A. No, no.

23

24

Q. And after Mrs. Scott came out to
the nursing station, do I have it correctly that some
time thereafter the head nurse came to the ward?

25

26

A. Yes. Somebody phoned her and she

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came to the ward.

3

Q. And the police were called as

4

well?

5

A. Right.

6

Q. We have heard from other witnesses

7

that Mrs. Scott and Mrs. Trayner were taken to the

8

Toronto General Hospital, does that accord with your
recollection?

9

A. Correct, yes.

10

Q. Was there as well, quite apart

11

from that incident, Mrs. Christie, another incident
involving pills and food that you observed on the
wards?

13

A. In yogurt?

14

Q. I'm sorry, in yogurt.

15

A. That's right.

16

Q. Did this happen before or after

17

the incident involving the soup and the salad?

18

A. I believe that happened after.

19

Q. Can you tell me please, and would

20

you do so slowly if you wouldn't mind; first of all
was this on a long night shift or on a day shift,
the episode with the yogurt?

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A. That was on a long day shift.

23

Q. Do you recall what time it happened?

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A. About 6:00 in the evening.

Q. Do you recall when it happened,
what date it was?

A. No, not exactly.

Q. Can you tell me please what you
did see?

A. Well, I know that apparently she
wanted that particular day, she had the yogurt in
the fridge which she bought the day before. She
went for her lunch --

Q. Who is she, Mrs. Christie?

A. Oh, I'm sorry, Phyllis Trayner.
Phyllis Trayner went with Mary Lyn Barnett downstairs
for lunch.

MS. FORSTER: Excuse me, Mr. Commissioner,
Mrs. Christie started by saying, "Well, apparently..."

THE COMMISSIONER: Yes. I take it
you were not with her at the time.

THE WITNESS: If I went with her down-
stairs?

THE COMMISSIONER: Yes.

A. No, no.

THE COMMISSIONER: Just tell what you
saw yourself.

THE WITNESS: Okay.



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THE COMMISSIONER: Just tell what you saw yourself.

THE WITNESS: Okay.

THE COMMISSIONER: Presumably they came back with some yogurt, did they?

THE WITNESS: Right.

THE COMMISSIONER: Tell us what happened from there on?

THE WITNESS: Well, that I didn't know about until whatever --

THE COMMISSIONER: Just tell us what you saw.

THE WITNESS: Whatever I know. I only know that that particular night --

MS. CRONK: Excuse me, I'm sorry, sir, I am sorry to interrupt but I think there is still some confusion.

THE COMMISSIONER: Well, I don't mind any confusion, she wasn't there picking up the yogurt.

MS. CRONK: Well, I am not sure she was there after that, sir and that is what I would like to establish now.

THE COMMISSIONER: She wasn't even there when they came back with the yogurt.



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MS. CRONK: This is what I would like to find out.

Q. Did you at any time, Mrs. Christie, personally observe, on this day, any incident with respect to anything in Mrs. Trayner's yogurt, did you see anything yourself?

A. No, no.

Q. How is it then that you were able to give evidence at the preliminary hearing, and did give evidence, with respect to pills being in Mrs. Trayner's yogurt? Was that something that someone had told you?

A. Yes. Mrs. Scott told me that Phyllis found some pills in her yogurt, and so she told me --

THE COMMISSIONER: Well --

MS. CRONK: Well, sir, I am in your hands.

THE COMMISSIONER: It is quadruple hearsay at this point. I think we can do without it.

MS. CRONK: In my opinion we have heard from Mrs. Scott on the issue and I had not realized that Mrs. Christie did not see it for herself and I propose to leave the matter there.



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THE COMMISSIONER: Okay.

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MS. CRONK: Mrs. Christie, thank you
very much for your assistance. Those are all my
questions.

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THE COMMISSIONER: I think we will take
20 minutes now. How do you feel, Mr. Knazan, how
much time do you think you will need?

8

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MR. KNAZAN: About half an hour.

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THE COMMISSIONER: And Mr. Rosenberg?

MR. ROSENBERG: As I said before, 20
minutes.

12

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THE COMMISSIONER: Then I think we
will be all right. We may run a little over but that
is all right.

14

---Short recess.

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EMTrc

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2 --- on resuming.

3 THE COMMISSIONER: We are going to
4 leave Tuesday as a day that we are sitting, but
5 that may change. It may change for a lot of
6 reasons, and if it does, all I can say is those of
7 you who will be in the Court of Appeal had better
8 find out from Mr. Lamek and those of you who aren't
9 can telephone the office and find out if there is
10 any change. But failing to hear anything, Tuesday
11 we will be sitting.

12 Yes, Mr. Shinehoft.

13 MR. SHINEHOFT: Mr. Commissioner,
14 there has been some informal polling done of the
15 counsel who are going to be cross-examining this
16 witness, and it would appear that two days would
17 certainly be sufficient to complete cross-examination
18 of this witness.

19 THE COMMISSIONER: I will use that
20 fancy gift of mine, can I? Is there any way we
21 could assure it?

22 MR. SHINEHOFT: Well, my suggestion
23 would be this: that we sit Wednesday and Thursday,
24 Mr. Commissioner, and if perchance we are not
25 finished, and the likelihood is that we would be
finished, perhaps we could come Friday morning and



1
2 finish with the witness Friday morning.

3 At least it would give all of those
4 who wish to attend the Court of Appeal for the
5 hearing of the appeal and being involved in the
6 appeal the opportunity to do so.

7 It would appear from the discussions
8 that I have had with various counsel that many will
9 not have any questions of this witness, and the
10 ones that do will be fairly brief in the length
11 of time that they will take. So I am suggesting,
12 Mr. Commissioner, that we don't sit Monday and
13 Tuesday but sit Wednesday and Thursday.

14 THE COMMISSIONER: And Friday if
15 necessary?

16 MR. SHINEHOFT: But the likelihood
17 would be that we would not have to sit on Friday.

18 I think it has the concurrence of
19 some, perhaps the majority of counsel who are here.

20 MR. YOUNG: Sir, might I suggest
21 before we break today we take a more formal poll
22 and see how long people are going to be. I agree
23 with Mr. Shinehoft. I don't think we are going to
24 have any problem finishing with this witness in
25 two days. Should there be, of course, there is
Friday.



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I quite agree. I don't think it will take very long.

THE COMMISSIONER: Is that the general feeling? Is anybody opposed to that? Anybody besides me opposed to that is what I mean?

I am just afraid, who knows what trouble I can get into in a couple of days. I guess I can't have the whole report written, though, by Tuesday night.

MR. SHINEHOFT: May we take it that --

THE COMMISSIONER: We won't sit Monday or Tuesday, and I suppose that means -- I will do this: We won't sit Monday or Tuesday if the Court of Appeal is still hearing the matter on Tuesday, but if the Court of Appeal is not hearing the matter on Tuesday, though, I would like to be back here on Tuesday.

MR. SHINEHOFT: That certainly makes sense.

THE COMMISSIONER: Yes.

MR. SHINEHOFT: And counsel would be agreeable to that. It is just that they want the opportunity if the Court of Appeal is still hearing the appeal on Tuesday to be present and participate in the proceeding.



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THE COMMISSIONER: All right. That's the way we will leave it.

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EXAMINATION BY MR. KNAZAN:

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All right.

MR. SHINEHOFT: Thank you.

THE COMMISSIONER: Yes, Mr. Knazan.

Q. Mrs. Christie, referring to the notes which you made two weeks after Cook's and Miller's deaths, which is Exhibit 386 --

A. Right.

Q. -- on the second page of those notes there is some patients' names written in in hand.

A. Right.

Q. Is that your handwriting?

A. Right. Yes.

Q. And were those names written in by hand at the time that your daughter typed your notes or were they written in afterwards?

A. No, they had been written in



FF5

1
2 afterwards.

3 Q. When did you write them in?

4 A. About two months ago when I
5 found the sheet, my assignment sheet.

6 Q. Now were you with your
7 daughter when she typed up your notes?

8 A. No, I wasn't, no.

9 Q. Did you compare her typed
10 version with your handwritten version?

11 A. Not really, no. She took
12 them to her office to her work and she did it, no,
13 I didn't.

14 Q. But as far as you recall
15 what you wrote do they reflect the notes you made?

16 A. Yes.

17 Q. Now I want to read you the
18 lines which Miss Cronk read to you. Starting at the
19 bottom of page 1:

20 "Shortly before the baby arrested,
21 Phyllis and I had been in the room.
22 Baby Allana started choking and
23 Phyllis sat her up and I started to
24 talk to her and she gave us a smile.

25 A half hour later the baby
arrested. While this was occurring



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Baby Cook was crying so I held and
rocked him but it didn't seem to help."

When you wrote that note can you
tell me what you meant by the word "this" when you
wrote "while this was occurring"?

A. Yes. I meant when Baby
Allana got into difficulties, while she got into
difficulties and Baby Cook was crying.

Q. Did your word "this" refer
to the word "arrested" --

A. No.

Q. -- in the previous sentence?

A. No. That was before the
arrest.

Q. Miss Cronk also referred you
to, still on Allana Miller, page 36 of Exhibit 115
of that baby's chart, and you stated that none of
the markings - do you have that before you?

A. Page 36?

Q. You stated that --

A. Oh, that's right.

Q. She indicated to you that
Mrs. Trayner had said some of these blood pressures
might have been your handwriting.

A. No, that is not my handwriting.



1
FF7 2 I always, when I take any signs -- that one she
3 meant I think; not that one. I always write my
4 time, that's right, and that is not my handwriting.

5 THE COMMISSIONER: This is the Cook
6 matter, is it?

7 MR. KNAZAN: I'm sorry, Miller.

8 THE COMMISSIONER: Miller?

9 MR. KNAZAN: Page 36.

10 A. I think she meant that one,
11 no?

12 THE COMMISSIONER: The one that she
13 says is her handwriting?

14 MR. KNAZAN: No, she says it is not
15 her handwriting.

16 THE WITNESS: No.

17 THE COMMISSIONER: None of it?

18 THE WITNESS: No, no.

19 MR. KNAZAN: Q. You see, Mrs.
20 Christie, the blood pressure is taken on four
21 occasions here.

22 A. Right.

23 Q. 2400 --

24 A. Yes.

25 Q. -- 0100; is that right?

A. That is one o'clock, yes.



FF8

1

2

Q. And then the next time $\frac{92}{p}$ --

3

A. Yes, but it doesn't say what

4

time. I always, when I take my signs, I always mark
the time.

5

6

Q. Are you able to determine from
looking at that page whose handwriting that might be?

7

A. I don't know.

8

Q. Now, Mrs. Christie, you were

9

on duty when Baby Estrella died.

10

A. Yes.

11

Q. You have testified about

12

both Sui Scott and Phyllis Trayner being at the
nursing station on two occasions.

13

A. That is correct, yes.

14

Q. And what is it that makes that
incident stand out in your mind?

15

16

A. Well, that stood in my mind

17

because I remember that if somebody on constant care,
that she should be all the time with her attendance
with the child and if not another nurse would relieve
her for any breaks.

18

19

20

Q. And if a nurse was on

21

constant care and came to the nursing station for
one minute to get a cup of coffee and then went

22

23

back, would you consider ^{that} a failure to keep the baby

24

25



FF9

1

2

on constant nursing care?

3

A. Not for one minute. Not for

4

one minute, but for longer, yes.

5

Q. Do you think something like

6

that would stick out in your mind?

7

A. Yes, that would.

8

Q. If it was as short as one

minute is what I meant.

9

A. Oh, if it was as short as

10

one minute, no, it wouldn't stick in my mind, no.

11

Q. Do you recall giving the

12

statement to which Miss Cronk referred you to the

13

Metropolitan Toronto Police on November 2, 1982

14

when they asked about Baby Estrella? Do you recall
that?

15

A. Yes, yes, I do.

16

Q. And did you make any reference

17

at that time to both nurses being off?

18

A. That's right, they both went

19

off. They both been at the nursing station.

20

Q. Perhaps I could just read

21

you the questions you were asked and the answers you
gave --

22

A. Yes.

23

Q. -- and ask you if that reflects

24

25



FF10

1

2

what you recall your conversation was.

3

4

I just noticed the statement, that it seems to be in the form of a transcript. Was there a tape recorder in the room?

5

6

A. It was. It was taped, yes.

7

8

Q. Was somebody making notes?

9

10

A. No. At that time, no.

11

12

MR. KNAZAN: I am just having some trouble, Mr. Commissioner. It is not on the page I marked in my notes.

13

14

THE WITNESS: Maybe I got some of those.

15

16

MR. KNAZAN: Yes. I am just looking for the page number. Excuse me.

17

18

MS. JACKMAN: Page 45.

19

20

MR. KNAZAN: Maybe I will come back to that.

21

22

Could I have your indulgence for a moment?

23

24

THE COMMISSIONER: Yes. Certainly.

25

MR. KNAZAN: Maybe I have already taken it.

26

MR. ROSENBERG: Mr. Commissioner, rumour has it that it is page 45.

27

28

MR. KNAZAN: Mr. Knazan has already

29



FF11

1
2 looked at page 45.

3 THE COMMISSIONER: Has everyone got a
4 copy of this document?

5 MR. KNAZAN: Oh, no, no, no.

6 MR. ROSENBERG: 55.

7 MR. KNAZAN: I will come back to that.

8 THE COMMISSIONER: Well, 55 is the
latest, Mr. Knazan.

9 MR. KNAZAN: Sorry.

10 Q. Mrs. Christie, for Baby
11 Pacsai --

12 A. Yes.

13 Q. -- Miss Cronk indicated
14 that I told her at the meeting that you had with
15 Commission staff that you had gone through and
16 reviewed the charts of all the babies and you
agreed with that. Do you recall, this morning?

17 A. I reviewed -- I only reviewed
18 if my name was there, if I looked after the patient.
19 That is all what I have been checking.

20 Q. Do you remember reviewing
21 the charts of all the babies in my office with me?

22 A. Right.

23 Q. What was the purpose of that
24 review?
25



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FF12 2
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A. The purpose of that review was if I looked after those particular babies, if I took care of them.

Q. How did you determine that?

A. I been just looking at the progress note and sometimes I should really look on the flow sheet because sometimes if it wasn't anything to mark on the progress note, you only look on the flow sheet, you sign on the flow sheet, so that is what you do; you look at the last sheet.

Q. Did you actually read the progress note?

A. No.

Q. Or did you just look for your signature?

A. Just look for my signature, that is all.

Q. I am going to show you again page 65, which I think Miss Cronk showed to you, Exhibit 106.

A. Yes.

Q. Now I am pointing to the time above Miss Nelles' signature.

A. Yes.

Q. 0345 to 0600. Have you ever



FF13

1

2

seen that notation before yesterday?

3

A. No.

4

Q. Before Miss Cronk showed it
to you?

5

6

A. No, I didn't.

7

Q. You testified you took care
of Phyllis' baby, the one she was attending when the
Code was called for Pacsai and she went over to 4B.

8

9

A. Right.

10

Q. And that is when you followed
her over to 4B to ask her what you should do with
that baby?

12

13

A. Correct.

14

Q. Are you sure that that
incident took place at the time of Pacsai's arrest?

15

A. Yes.

16

Q. You also stated that you
noticed Miss Nelles at the elevator waiting to go
to ICU.

18

19

A. Right.

20

Q. And Miss Cronk asked you how
you knew that.

21

22

A. Because the elevator takes
just patients to ICU.

23

24

25

Q. I was going to ask you, where



FF14

1

2

does that elevator go?

3

A. Just go to ICU, like to

4

Intensive Care Unit.

5

Q. Does it go anywhere else,

6

Mrs. Christie?

7

A. Well, to other floors too,

8

but that is the only elevator which takes all the
patients to the OR or ICU.

9

Q. Okay. Here on Exhibit 337

10

I am pointing to the elevator just opposite the

11

nurses' station beside the corridor. Is that the

12

elevator?

13

A. That is right.

14

Q. And where does that elevator

15

go?
A. To Intensive Care or to the
OR, just transport patients.

17

Q. Is it common to take a baby

18

to OR at 5:30 in the morning?

19

A. No, not unless it is emergency,
but otherwise no.

20

Q. So if I suggest to you one of

21

the reasons you knew that the baby was going to ICU

22

was because that is where that elevator goes, would

23

that be correct?

24

A. Correct, yes.

25



GG
BM/PS

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Q. Now, I think you testified earlier today about whether digoxin was locked on the night of March 21st.

A. Yes.

Q. Do you remember that?

A. Yes.

Q. On that night, the night that Justin Cook died, did you know whether the digoxin had been locked up or not?

A. No, I didn't know, no.

Q. And do you remember being asked by Mr. McGee at the preliminary hearing, Volume 7, page 1566?

A. Yes.

Q. I'm sorry, 1565.

A. Yes, I remember that.

Q. Line 30:

"Q. Well, do you know whether it was locked up any time during the morning of March 21st or the morning of March 22nd and the night of March 21st?

A. No, I don't think so; no, it wasn't."

A. Right.

Q. "Q. You don't think it was, it



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wasn't locked up?

3

A. No."

4

A. Right.

5

Q. Did Mr. McGee ask you those

6

questions and did you give those answers?

7

A. That's right.

8

Q. Can you explain how you were able

9

to give those answers if you didn't know?

10

A. Well, I didn't know, that's right.

11

Well, that preliminary hearing was one year after that

12

happened and all what I knew it was from the newspapers,

13

I had been reading newspapers and in the newspapers

14

it said it wasn't locked up, and that's all what I

15

know.
Q. But you didn't know at the time
that you gave that evidence?

16

A. No, no.

17

Q. Now, Ms. Cronk has referred

18

you to several parts of your evidence at the preliminary

19

inquiry where the times you testified to were, you

20

might say, wildly wrong or at least very different

21

from what you are testifying now.

22

A. Yes.

23

Q. In fact, I suggest there is

24

another one. Do you recall testifying that you went

25



1
2 in to look on Sui Scott when she was with Janice
3 Estrella at 2, 3 or 4 in the morning. Do you recall
4 giving that testimony at the preliminary inquiry?

5 A. Probably I did, yes.

6 Q. And you now know that Janice
7 Estrella was dead by 4 in the morning?

8 A. Yes.

9 Q. What I would like to ask you in
10 reference to all of those times is, at any time prior
11 to the preliminary hearing were you shown the medical
12 charts of the babies?

13 A. No, no.

14 Q. And at any time prior to the
15 preliminary hearing during the preparation for your
16 testimony did either the police officers or the Crown
17 attorneys ever tell you the time of death of these
18 babies?

19 A. No, they didn't.

20 Q. And did they tell you the time
21 of the arrest of these babies?

22 A. Neither, no. I never had a copy
23 of my statement, no, none of them.

24 Q. Mrs. Christie, have you ever
25 opened a medication vial?

A. No, never ever, no.



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Q. Okay. If I could just have 30 more seconds so I can find that reference I will even have one more question and then be finished.

THE COMMISSIONER: Certainly.

MS.JACKMAN: I believe it is on page 55.

THE COMMISSIONER: That's the sort of authority you should respond to. Is it perhaps the one right at the bottom?

MR. KNAZAN: I've got a lot of high priced assistants here.

THE COMMISSIONER: I could make the reflection I'm not paid at all. Is it at the very bottom of page 55:

"Is it possible Phyllis would be in that room the odd time just checking on Sui?

A. She was the team leader, yeah, but I think Phyllis was there too having lunch but I'm not sure..."

Is that the one you were thinking of?

THE WITNESS: A little further up is one.

THE COMMISSIONER: Oh, yes.

"She came for lunch, had lunch,



1

2

you know, nobody was in that room when
she had her lunch."

3

4

THE WITNESS: Yes.

5

6

MR. KNAZAN: It isn't that, it is the
actual reference to Estrella in the statement and
this one was in passing and I will have it in a very
short time.

7

8

9

THE COMMISSIONER: Why don't we let
Mr. Rosenberg go ahead because you get another turn.

10

MR. KNAZAN: I get another chance.

11

THE COMMISSIONER: Yes.

12

MR. KNAZAN: Yes, thank you. Those are
all my questions.

13

14

THE COMMISSIONER: All right. Yes,
all right, Mr. Rosenberg.

15

CROSS-EXAMINATION BY MR. ROSENBERG:

16

17

18

19

Q. Mrs. Christie, I gather from
what your counsel just said that the first time you
mentioned or had an opportunity to really recall the
events of the Estrella case were in, what was it,
November, 1982 when you talked to the police?

20

21

A. I think I talked to them a little
bit earlier, maybe May about.

22

23

Q. May, okay.

24

25

A. Or maybe Pacsai, I'm not certain,



1
2 I'm not sure.

3 Q. All right, but in any event it
4 was certainly after Susan's arrest?

5 A. Right.

6 Q. Okay. Probably several months
7 later.

8 A. Right.

9 Q. Okay. Now, as I understand
10 your evidence from yesterday, you remember Mrs. Scott
11 and Mrs. Trayner both having coffee at the nursing
12 station during the first coffee break?

13 A. Right.

14 Q. And as I read your evidence you
15 put that between 10:30 and 11:00.

16 A. Right, first coffee break, yes.

17 Q. Do you have any recollection as
18 to the time? Was it closer to 10:30 or closer to
19 11?

20 A. Closer to 11 I would think.

21 Q. Okay. And your recollection is
22 that Mrs. Scott at least was there for about 15 minutes?

23 A. 10 or 15 minutes.

24 Q. And that would have carried over
25 past 11:00 then?

A. I don't think so, no, I don't think



1

2

so, I'm not sure.

3

4

Q. Okay. Now, you also testified that Mrs. Bell was there. Do you recall saying that, Bertha Bell?

5

6

A. Maybe I did, yes.

7

Q. Do you recall Bertha Bell being there at the coffee break?

8

A. I don't remember, I'm not sure.

9

Q. Well, I can't find it -- oops, here we are. Page 7406. This is talking about that first coffee break and what you said was:

11

12

13

14

15

16

17

18

"At the nurse's station, Janet Brownless had been there and I saw Bertha Bell and other nurses from B side. I don't recall all the names. Phyllis Trayner, I saw Phyllis Trayner too, and then I saw Sui Scott, she came out too for a short time, maybe for 10 minutes."

19

A. Right.

20

21

Q. That's what you said yesterday. Does that refresh your memory now that Mrs. Bell was there?

22

23

24

25

A. I think she was there and Shirley Ann Parcels and some other nurses from B side were there



8 1
2 as well.

3 Q. All right. Now, I take it that
4 Mrs. Bell would know whether a baby on 4A was on constant
5 care?

6 A. I don't know if she would know
7 because she wouldn't get it - she probably would know
8 but she doesn't get report from A side, she was
9 the team leader on B side, so, she would get report
10 from day staff on B patients and Mrs. Trayner would
11 get report on A side from our nurses on A side.

12 Q. No, I appreciate that, but
13 certainly by, this is 10:30, 11:00, you had been
14 on shift for almost four hours.

15 A. Right.

16 Q. By that time I take it she
17 would know whether there was a baby on constant care
18 on 4A, isn't that likely?

19 A. She probably would know, yes.

20 Q. Certainly Mrs. Trayner knew that
21 Estrella was on constant care.

22 A. Right.

23 Q. And I gathered from your
24 evidence that when Mrs. Scott came to the nursing
25 station you don't recall Mrs. Trayner saying anything
to her?



1

2

A. No.

3

4

Q. In particular, you don't recall her saying anything like, shouldn't you be in the room with Estrella?

5

6

A. No, I didn't hear that, no.

6

7

8

9

10

Q. And I take it as well you certainly don't recall Bertha Bell saying anything like, you know, if you and Mrs. Trayner are here in the station who is taking care of Estrella, no one said anything like that?

11

12

A. I didn't hear anything, I don't think anybody said anything like that.

13

14

15

Q. Okay. So, as far as you know neither team leader said anything to Mrs. Scott about the fact that she should have been back in that room with Estrella?

16

17

18

19

A. Right.

Q. Okay. And as I read your evidence you were quite definite about this, the way I read it, no one turned on the intercom either.

20

21

22

23

24

25

A. Right.

Q. So, would you agree with me that that was somewhat unusual behavior on behalf of all three people; first of all, Mrs. Scott, Mrs. Trayner, Mrs. Bell, none of them seemed to be paying any



Christie
cr. ex. (Rosenberg)

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2

attention to the fact that this baby was on constant
care, right?

3

4

A. Right.

5

Q. And as well none of them had
even taken the time to even turn on the intercom, right?

6

7

A. Right.

8

Q. Which would have connected to
Room 423 so they could have heard if the baby was in
trouble.

9

10

A. Correct.

11

Q. And 423 is not like 418, 423
is down the hall.

12

13

A. Right.

14

Q. Okay. So, that was very unusual
behavior, would you agree with me?

15

A. Right.

16

Q. On their part.

17

A. Yes.

18

Q. And I am going to suggest that
there is something even stranger about those events.
From listening to your testimony today and having
read it yesterday, it seems to me that you are a
very conscientious, very caring nurse, is that
right, would you agree with that?

19

20

21

22

23

A. Yes, I do.

24

25



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Q. Okay. And as I understand it
you had had about 10 to 15 --

THE COMMISSIONER: I'm on the edge of
my seat with that answer.

MR. ROSENBERG: One never knows.

Q. I take it that by the time Mrs.
Scott had come to the nursing station you had had
what, about 10 to 15 minutes of your own break?

A. Not really, no, I just came
shortly before her.

Q. So, what, 5 to 10 minutes?

A. Maybe just 5 minutes.

Q. I see.

A. Yes.

Q. And you sat there the whole time
Mrs. Scott was there?

A. I don't know if I sat the whole
time but I had been there at one point, yes.

Q. Well, did you get up and leave
at some point?

A. Oh, no, when she came I had
been there all the time, correct, yes.

Q. You were there the whole time,
you just sat there while Mrs. Scott sat there and
apparently had her coffee?



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12

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A. Right.

3

4

Q. All right. So, you didn't even bother to go back down the hall. You have kids in 421, right?

5

6

A. Right.

7

Q. Right across the hall from 423.

8

A. Right.

9

10

Q. So, you didn't even go down the hall and on the way to 421 just to make sure that Estrella was okay.

11

A. Right.

12

Q. You didn't do that?

13

A. No, I didn't.

14

Q. Okay.

15

A. Because my children had been all right, I had just settled them in and I didn't go in, no.

16

17

18

19

Q. No, I appreciate that, but you have testified that this event sticks out in your mind because you were concerned that this baby was supposed to be on constant care and yet nobody was with her.

20

21

A. Correct.

22

Q. And yet you didn't do anything either.

23

24

25

A. Well, I wasn't in charge.



1

13

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Q. No, I appreciate that.

3

A. I mean, what can I do?

4

Q. No, I understand, but you didn't go
down the hall, correct?

5

A. No.

6

Q. Okay. Now, you testified yesterday
that you thought that Janet Brownless was there at
that break, coffee break.

7

8

9

A. Right, yes, she was.

10

11

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DM.jc
HH

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Q The way I read your evidence is, you were unsure whether Janet Brownless was there for the lunch break?

A I think she was, I think she probably was there, yes, she was.

Q You said, just to be fair to you, I think you testified yesterday you were not sure whether she was there. Do you have a clear recollection one way or the other?

A I think she probably was there, because most of the time we have all together.

Q No, I appreciate that. Do you have a clear recollection one way or the other, or are you just going on what usually happens?

A No, she was there, yes.

Q Well, Mrs. Brownless I believe has testified that she did not see Sui Scott come out of the room during her coffee break, are you aware of that?

A No, I am not aware, no.

Q Is it possible then that Mrs. Brownless was not there during the coffee break when Mrs. Scott came out?

A Maybe she was there but she didn't notice that Sui Scott came out.



HH.2

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Q She would have known that Sui
Scott was on constant care as well?

4

5

6

A Yes, but sometimes you don't
remember, you don't look, you don't just check on
everybody.

7

8

Q Now you also testified yesterday
that Mrs. Lyons was there for the lunch break, do you
remember saying that?

9

10

11

12

A Mrs. Lyons?

Q Yes, from the 4B side?

A Maybe she did, I am not sure,
could be.

13

14

Q Well that's what you said
yesterday.

15

16

17

18

A Yes.

Q Do you remember that, I can
get you the page reference. It is page 7428, and you
can take my word for it, you are talking about the
lunch break now.

19

20

21

22

23

24

25

A Yes.

Q And at line 11 you say:

"A. Miss Brownless was there; I am
not sure if she was, maybe she was,
and Mrs. Lyons and Bertha Bell I
believe was there."



HH.3

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2

Does that refresh your memory as to
what you said yesterday?

4

A. Maybe I said, could be.

5

Q. Well, I know it is hard to
remember back three years. Could the witness have
the 4B assignment book, please, for January.

7

A. Maybe I have mixed up the names.
Mrs. Lyons maybe she was not on, maybe somebody else
was on, maybe Meredith was on, Meredith Frise.

8

10

Q. Okay, you anticipate me. The
assignment book shows that Miss Lyons was on the day
shift that day.

11

12

13

A. Could be, so somebody else, so
Meredith Frise was probably on nights.

14

15

16

Q. I agree. So you couldn't have
a recollection of Mrs. Lyons being there when this
happened?

17

A. Right.

18

Q. Because she wasn't on that night?

19

A. Right.

20

Q. Now Mr. Knazan has also referred
you to the error you made at the preliminary inquiry
about the time when you looked in the room, and you
now realize it couldn't have been any of those,
2 o'clock, 3 o'clock, 4 o'clock?

21

22

23

24

25



HH. 4

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A. Right.

3

Q. Now during your testimony

4

yesterday, and I wasn't here so I am just going by

5

the transcript. I got the impression that at some

6

point either you or the Commissioner, or the two of

7

you got confused about Friday night and Saturday

8

night, do you recall that?

9

A. Right.

10

Q. And you thought at one point it

11

was Friday night, but as I understood the one thing

12

you do recall was it that that was the night the

baby died?

13

A. Right.

14

Q. That is fixed in your mind?

15

A. Yes.

16

Q. I take it from your evidence

17

that during an arrest the RN's are in the room with

the arrest team?

18

A. Right.

19

Q. And so really your job is to

20

take care of all the other babies on the floor?

21

A. Right.

22

Q. So you are very busy I take it

during the arrest?

23

A. Right.

24

25



HH.5

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Q And I am going to - am I correct
that you were not present when Janice Estrella was
pronounced dead?

A. No.

Q You were not present?

A. No.

Q So what I am going to suggest
to you is that what really ties these events down for
you is not so much that the baby died that night, but
you remember the Code 25 being called for the
Estrella baby?

A. Right.

Q Well the problem with tying
that, in using that as your memory, is that there were
two Code 25's called with respect to the Estrella
baby, did you know that?

A. The Estrella baby, two Codes?

Q. Yes.

A. Not at night, during the day.

Q. I don't think so.

A. Not on nights, not to my
knowledge.

Q. No?

A. No.

Q. Could I have the Estrella chart,



HH.6

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let's look at page - you may be right, let's look at
page 117 of the chart.

3

4

A. Yes, I have it.

5

Q. Do you see that note at the
bottom of the page?

6

A. Yes.

7

Q. It looks like it says 0650 hours.

8

A. Yes.

9

Q. Isn't that still the night shift?

10

A. That is on January the 6th.

11

Q. Yes.

12

A. 6:50, yes, would be.

13

Q. And it says 6:55 23 called.

14

A. I don't know. Just a minute,
6:55 23 called, yes, but that is on January the 6th.

15

Q. I appreciate that. Just bear
with me for a little while, okay. 7 o'clock the team
arrived.

17

18

A. Right.

19

Q. That is obviously in response
to the Code 25?

20

A. Right.

21

Q. And if we look at page 119, I
think it is 119, 120, you see at the top of the page;
7 a.m. 25 called 4A/B, do you have that page 120 at
the very first line?

23

24

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HH. 7

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A. Yes, but that is still on the
6th of January.

Q. No, I appreciate that. Do you
recall there had been a Code 25 for Janice Estrella
the long night of January the 6th?

MS. FORSTER: I think my friend is
confused, 6:55 is the morning.

MR. ROSENBERG: No, the day shift.

MS. CRONK: He is right, he is just
saying the arrest formally took place following the
long night shift and that was the night of January
the 6th, and actually the morning of January the 7th.

MR. ROSENBERG: Q. You would still
be on duty?

A. Well, I am not sure if I work
on the 6th of January. Probably it was an arrest,
but I wasn't there.

Q. I will just show you my copy
of the assignment book.

A. Yes, okay. Yes, that's right.

Q. Can we have the assignment book,
that might help.

THE COMMISSIONER: That is 32A.

MR. ROSENBERG: Q. Page 30-31, do you
have it?



HH.8

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A. Yes, I do.

3

Q. And as we have seen you were

4

on duty that night?

5

A. Yes.

6

Q. And you have patients in Rooms

421, 425, 423 and 426?

7

A. Yes.

8

Q. Mrs. Scott also had babies, and

9

was on duty that night?

10

A. Yes.

11

Q. She had five babies in 418?

12

A. Right.

13

Q. Who was taking care of the

Estrella baby that night?

14

A. That baby that night was in

15

Room 418.

16

Q. So that would be Mrs. Scott?

17

A. Right.

18

Q. So she was taking care of the

19

baby that night as well?

20

A. If the Estrella baby was in that
room.

21

Q. It appears to be that way,

22

doesn't it?

23

A. Yes, it looks so. Yes, right.

24

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HH.9

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Q. So I am not trying to confuse you, but now that we have gone through this exercise, do you now have a recollection of the Code 25 being called, that first Code 25 about four days before?

A. I don't recall that Code 25 on that night, no.

Q. So I take it certainly when you gave your statement to the police you had forgotten about that earlier Code 25?

A. Yes.

Q. Now this will be an obvious question, but I take it since there were no babies on constant care that night, January the 6th, there would be nothing wrong with Mrs. Scott and Mrs. Trayner having coffee at the same time, would there?

A. On the 6th?

Q. January the 6th?

A. On the 6th, no.

Q. Do you notice one other thing that Mrs. Brownless isn't working that night on that shift?

A. No, she went relieving to 7A.

Q. So it is unlikely that she came down for her coffee break or her lunch break?

A. No, it is likely.



HH.10

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Q. Likely or unlikely?

3

A. Likely, many times we do come

4

to the floor for lunch or for breaks.

5

Q. Would she come down from 7A for
her coffee break?

6

A. Right.

7

Q. Yes?

8

A. Yes.

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H2.1

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Q. But you have no recollection
of that either?

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A. I don't remember, no, but it
is possible that she came. I think she probably
came because she probably didn't know anybody on 7A.

5

6

7

Q. What I would like you to do
is go back to the Estrella chart for a minute. Let
us look at some of the events that happened the
night of the actual death, not the first arrest but
the actual death. Do you have the chart?

8

9

10

11

A. Yes.

12

13

Q. Now, I appreciate these are
not your notes and you may not be very familiar
with it. You see the note by Miss Ganassin on
page 126?

14

15

A. Yes.

16

17

Q. And you see a note there about
the IV at the very bottom of the note, about five
lines up from the very bottom of that note?

18

19

A. Yes.

20

Q. And it is apparent that the
IV has come out?

21

A. Right.

22

Q. It came out twice?

23

A. Yes, right.

24

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HH2.2

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Q. And then at 1800 it went --
how do you pronounce that word, interstitial?

A. Interstitial, right.

Q. Do you have any recollection
of Miss Ganassin being -- I'm sorry, do you have
any recollection of the IV team arriving around
seven o'clock or 7:30 just as you were coming on
shift to put the IV back in?

A. No.

Q. Would you look over at page
128.

A. Yes.

Q. And you see this is Mrs.
Scott's note.

A. Yes.

Q. And about the middle of the
page do you see the note of the "parents and grand-
mother visited evening, grandmother was tearful"?

A. Yes.

Q. Now, you had babies in 421,
do you remember the parents and the grandparents
being in the room across and there being a bit of
commotion because the grandmother was very upset?

A. Not at that time, not so late,
no. Usually our visitors don't come so very late, not



HH2.3

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at that time.

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Q. So you don't recall the grandparents, but we know that it had to be after your shift came on or otherwise Mrs. Scott wouldn't be making that note?

A. Maybe earlier, could be, yes, right.

Q. I am going to ask that again. I take it that Mrs. Scott was apparently present when this occurred, when the parents and the grandparents arrived?

A. That's right.

Q. So it had to be after your shift arrived?

A. Right.

Q. But you, although you had children in 421 just across the hall, you don't recall this commotion about the grandmother?

A. No, I don't recall.

Q. I want to show you one other thing. At page 126, that is looking back again, and this is a doctor's writing at the bottom. Do you see that?

A. Yes, I do.

Q. Is that Dr. Tucker? Is that



1

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what that says?

3

A. Probably.

4

Q. Can you see that time that

5

is noted?

6

A. 2330. That would be 11:30

7

at night.

8

Q. Do you recall seeing Dr.

9

Tucker in the room?

10

A. No.

11

Q. I take it it is not unusual

12

for doctors, especially the resident, to come to the
ward around that time, 11:00 or 11:30, to check on
the babies before they retire for the night?

13

14

A. No. Sometimes they do come,
that's right.

15

Q. And I take it the Estrella

16

baby in particular was a very sick baby?

17

A. Yes.

18

Q. So it would not be surprising

19

if a doctor, such as Dr. Tucker, were to visit the
ward before retiring?

20

A. Could be. It could be also
that he restarted that IV, could be.

21

22

Q. No, this is at 2330.

23

A. Yes. But some doctors work

24

all night too, but I don't know if he saw the baby

25

or maybe just --



II
MT/cr

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No, he checked that baby, right.

Q. It's a she. Does that help
you. It's a she.

A. Oh, sorry. Yes, that's right.

Q. But you don't recall Dr.
Tucker being there?

A. I don't remember.

Q. But you agree with me it would
not be unusual for a doctor, particularly where you
have a very sick child, for the doctor to check on
that baby in particular before retiring for the
night?

A. Right.

Q. And that that time period of
11, 11:30 is a time you would expect to see them on
the ward?

A. Right.

Q. Okay. So what I am suggesting
to you in light of that is I take it if Dr. Tucker
had come to the floor and found that Baby Estrella
was unattended she would have been very upset about
that.

A. Yes, but that was the night
before. That was on the 8th.

Q. No, I don't think so.



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A. January 10th - okay.

3

Q. She would be very upset.

4

That's a doctor's order.

5

A. Yes.

6

Q. To have the baby on constant
care?

7

A. Right.

8

9

Q. So if she had come to the
floor and the baby was unattended she would have
been very upset?

10

11

A. Right.

12

13

Q. So I take it that Mrs. Scott,
if in fact that night Mrs. Scott was on constant
care and had left that baby unattended --

14

A. Yes.

15

16

Q. - particularly at 11 o'clock
at night she was taking an awful risk?

17

A. Yes.

18

19

Q. Because that doctor could have
arrived at any time? In fact arrived at 11:30.

20

A. Right.

21

Q. Do you agree with me?

22

A. Yes.

23

Q. Okay. Mrs. Christie, I know
this is difficult, but bearing in mind everything

24

25



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we have just talked about --

3

A. Yes.

4

Q. - the fact that you really had
no good recollection of that Code 25 on January
6th.

6

A. Yes.

7

8

Q. And that you don't remember
many of the events that must have happened that night.

9

A. Yes.

10

11

Q. Like the grandparent and the
doctor and so on. Is it possible that you are
mixing up some of the events of January 6th when that
first arrest for Estrella was called and the events
on January 10th?

12

13

14

A. No.

15

Q. It is not possible?

16

A. Not possible.

17

18

Q. Even though you didn't even
recall that first arrest?

19

A. Right.

20

21

Q. And even though it was the
arrest, Janice Estrella's arrest, that makes you tie
in those things and you weren't present for the
actual death?

22

23

A. I only remember that on the

24

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9th - on the 10th when she arrested, in Room 423.

3

That is all that I remember.

4

5

Q. Okay. I appreciate that. It is very hard after three years, isn't it?

6

A. It is. Right.

7

MR. ROSENBERG: Thank you very much.

8

THE WITNESS: Thank you.

9

THE COMMISSIONER: All right.

10

Well then I guess, Mr. Knazan, we will excuse your client until Wednesday, but if the Court of Appeal completes it - will you check with the office or check with somebody? You are not going to be at the Court of Appeal I take it.

11

12

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MR. KNAZAN: I'll check.

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THE COMMISSIONER: All right. You can work that out and otherwise we will meet on Wednesday at 10 o'clock unless the Court of Appeal disposes of its problem on Monday, in which case we will meet on Tuesday.

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MS. CRONK: Mr. Commissioner, would it be helpful to you, and it certainly would be helpful to me and I know to Mr. Lamak if we did get an estimate at this time as to how long they think they will be.

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THE COMMISSIONER: Mr. Brown?

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MR. BROWN: Twenty minutes.

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THE COMMISSIONER: Twenty minutes?

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MS. FORSTER: Roughly an hour.

5

THE COMMISSIONER: Roughly what?

6

MS. FORSTER: An hour.

7

MRS. CECCHETTO: Roughly an hour.

8

MR. YOUNG: I would expect less than
half an hour, Mr. Commissioner.

9

MS. CHOWN: No questions.

10

THE COMMISSIONER: No questions? Mr.

11

Roland?

12

MR. ROLAND: I have no idea.

13

THE COMMISSIONER: What will we put
you down for?

14

MS. THOMPSON: I will tell him later,

15

sir!

16

THE COMMISSIONER: Miss Thompson, could

17

I put him down for half an hour?

18

MS. SYMES: Fifteen minutes.

19

THE COMMISSIONER: Now, Mr. Tobias?

20

MR. TOBIAS: I think no more than ten
minutes, Mr. Commissioner.

21

MR. SHANAHAN: Mr. Shinehoft said before

22

he left no more than half an hour and I don't know

23

that I have any questions at all.

24

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THE COMMISSIONER: Do you think Mr.

3

Labow has deserted us?

4

MR. TOBIAS: Mr. Labow will be avail-

5

able. What his plans will be I have no idea. He

6

may bone up on this on the weekend and have some
questions.

7

THE COMMISSIONER: All right. Well

8

that works out to only about four hours. I don't

9

know about the re-examination. So it looks as

10

though we are all right.

11

MS. CRONK: That is helpful, sir, thank

12

you.

13

THE COMMISSIONER: So whenever it will

14

be, we will meet again.

15

---Whereupon the hearing adjourned at 4:35 p.m.

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